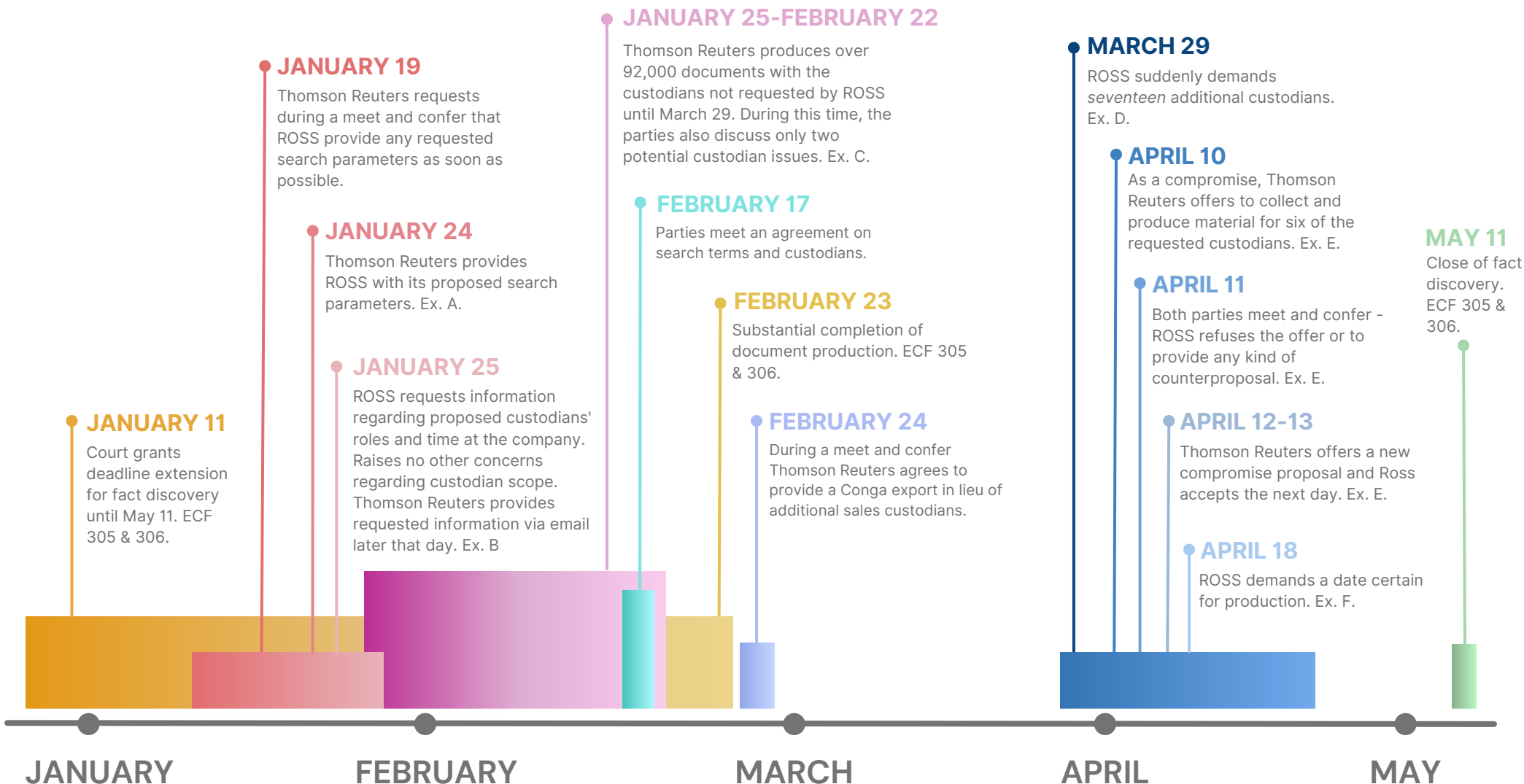


# **EXHIBIT 1**

# Timeline of Search Parameter Negotiations



# **EXHIBIT A**

**From:** [Barsanti, Vanessa](#)  
**To:** [Canter, Jacob](#)  
**Cc:** [Hughes, Dalton](#); [Means, Miranda](#); [#Thomson-Ross](#); [mflynn@morrisnichols.com](#); [jblumenfeld@morrisnichols.com](#); [ROSS Lit Team](#); [\\*dmoore@Potteranderson.com1](#); [\\*bpalapura@potteranderson.com](#); [Ginder, Cameron](#)  
**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233  
**Date:** Tuesday, January 24, 2023 3:44:58 PM

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Good timing, Jacob. I was just finishing a note to you re search parameters. Since we last spoke, Thomson Reuters has engaged an eDiscovery vendor who has already begun collection efforts. While we have not yet been able to test terms against the data as it is still in the process of being collected/processed, in the spirit of full transparency we are sharing with you the search parameters we intend to employ so long as the testing confirms those parameters are not unreasonably burdensome or overly broad.

Subject to the above caveat, in order to locate documents responsive to ROSS's RFPs, Thomson intends to utilize the following search parameters:

- Time Frame: 1/1/15 to 12/31/22
- Custodians/Data Source: Emails of all of the individuals disclosed in Thomson's initial disclosures (Andrew Martens, Erik Lindberg, Mark Hoffman, Christine Post, Dustin Cripe, Thomas Leighton, and Bridgett You), in addition to Mike Dahn (Senior Vice President and head of Westlaw Product Management)
- Terms:
  - Market! w/10 (research! OR insight! OR analys! OR plan! OR survey! OR report! OR stud!)
  - (Westlaw or WL OR legal! OR customer! OR segment! OR licens!) w/10 (strateg! OR plan!)
  - (Westlaw OR WL OR product!) w/10 (management! OR development!)
  - (Westlaw OR WL) w/10 (sale! OR market! OR advertis! OR distribut!)
  - (market! OR competit! OR Lexis! OR Fastcase OR Google OR Casemaker OR Casetext OR "Wolters Kluwer" OR Bloomberg OR Jurisearch OR ROSS) w/15 (survey OR report! OR overview OR intel! OR analys! OR investigat! OR insight! OR research! OR compar! OR info!)
  - (SWAT OR Indigo)
  - (licens! OR contract! OR deal OR negotiat!) w/15 (competit! OR Lexis! OR Fastcase OR Google OR Casemaker OR Casetext OR "Wolters Kluwer" OR Bloomberg OR Jurisearch OR ROSS)
  - (licens! OR contract! OR deal OR negotiat!) w/15 ROSS)
  - (Case! OR statut! OR regulat! OR data! OR API OR "public law" OR content!) w/15 (sale! OR sell! OR license OR market! OR advertis! OR distribut!)
  - excessive w/5 (use OR usage OR download!)
  - (download! OR stor! OR request!) w/10 (case! OR statut! OR regulat! OR data! OR API OR "public law" OR content OR stor!)
  - (invest! OR develop! OR improv! OR enhanc! OR upgrad! OR discontinu! OR cancel! OR stop! OR abandon! OR drop!) w/15 (Westlaw! OR WL OR "search tech!" OR "search tool!" OR "artificial intelligence" OR AI OR NLP OR "natural language" OR "Westlaw Edge" or featur!)

- ((ceas! OR discontinu! OR cancel! OR stop! OR abandon! OR drop! OR (phas! w/3 out)) w/15 ("Westlaw Next" OR "Westlaw Classic"))
- ("search tech!" OR "Head Notes" OR "Key Number System" OR WKNS OR "artificial intelligence" OR AI OR "natural language" OR NLP) w/15 (sell! OR license OR market!)
- (strateg! OR continu! OR discontinu! OR stop! OR cancel! OR abandon! OR drop! OR stop!) AND (updat! OR publish! OR print! OR offer! OR sell!) AND (hardcopy OR "hard copy" OR physical OR book! OR (case OR court) w/5 reporter!))
- (Westlaw or WL OR subscription) w/15 (pric! OR charg! OR cost! OR discount! OR negotiat! OR offer!)
- pric! w/3 guideline!
- (print! OR hardcopy OR "hard copy" OR physical OR book! OR (case OR court) w/5 reporter!)) w/15 (pric! OR cost! OR charg!)
- (Westlaw OR WL) AND (pric! w/10 (model! OR structur! OR guarante! OR structur!))
- (publish! OR publication OR submit! OR submission) w/5 (guide! OR opinion! OR decision! OR order! OR publi!)
- ("law student!" OR "law school!") w/10 (invest! OR access! OR program! OR cost! OR train! OR strateg! OR manual! OR polic!)) AND (Westlaw OR WL)

As we have not been able to test these terms yet, they may prove over-inclusive/too burdensome. If a narrowing of these terms is required we will reach out to you with information about the requisite modification and are happy to meet and confer about it if you have any concerns. As we discussed last week, if there are any terms ROSS is interested in adding, or if you'd like to see modifications of these proposed terms, please let us know as soon as possible so we can immediately test those terms as soon as the data is available.

Given that we are both coming to the table with new information/modifications to requests, and that we of course have to take your proposal to our client, I don't expect that this will in fact be our last meet and confer. But we look forward to speaking tomorrow and working out as much as we possibly can.

Thank you,

**Vanessa Barsanti**

She/Her/Hers

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[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)

---

**From:** Canter, Jacob <JCanter@crowell.com>

**Sent:** Tuesday, January 24, 2023 1:38 PM

**To:** Ginder, Cameron <cameron.ginder@kirkland.com>; Barsanti, Vanessa <vanessa.barsanti@kirkland.com>

**Cc:** Hughes, Dalton <DHughes@crowell.com>; Means, Miranda <miranda.means@kirkland.com>;

#Thomson-Ross <thomson-ross@kirkland.com>; mflynn@morrisnichols.com;  
 jblumenfeld@morrisnichols.com; ROSS Lit Team <Rosslitteam@crowell.com>;  
 \*dmoore@Potteranderson.com1 <dmoore@Potteranderson.com>;  
 \*bpalapura@potteranderson.com <bpalapura@potteranderson.com>; Barsanti, Vanessa  
 <vanessa.barsanti@kirkland.com>

**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

**This message is from an EXTERNAL SENDER**

Be cautious, particularly with links and attachments.

Cameron, Plaintiffs asked for ROSS to make temporal limitation proposals for the document requests in ROSS's first set of requests. As we have explained, this is not ROSS's burden. Plaintiffs have made no argument to the contrary. Nonetheless, Plaintiffs are apparently unable to offer their own temporal limits and instead of offering to do so before the final conferral, requested that ROSS do so after the parties already held the final conferral. Thus, to move the document production process along, ROSS proposes temporal limits for the first set of document requests as reflected in the attached word document. ROSS offers this proposal without prejudice to revisit the temporal limitations if ROSS discovers that we need to go further back in time.

You stated that Plaintiffs would have a proposal before tomorrow's conferral at 10:30 AM CT conferral addressing all of the remaining disputes related to the first set of document requests and also addressing the second set of document requests. You also said that Plaintiffs would have search term proposals before tomorrow's conferral as well. Please also come prepared to address ROSS's temporal limit proposals. As we have already stated, this will be the final conferral on all of the document requests that we discuss.

**Jacob Canter**

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 +1.415.365.7210 direct | +1.415.385.3716 mobile

---

**From:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>

**Sent:** Thursday, January 19, 2023 3:00 PM

**To:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>; Barsanti, Vanessa <[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)>

**Cc:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>;

#Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; mflynn@morrisnichols.com;  
[jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com); ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>;

\*[dmoore@Potteranderson.com1](mailto:dmoore@Potteranderson.com1) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>;

\*[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>; Barsanti, Vanessa  
 <[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)>

**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

External Email

Jacob -- In response to your questions below.

We intend to produce all documents and communications as requested, subject to our proposal, which, as you note, we are aiming to provide as quickly as possible.

You have accurately stated our discussion on Thomson Reuters' temporal objection. We are unavailable for a final meet and confer on Monday but can make Tuesday morning work. If ROSS identifies specific requests for which it believes it needs a broader temporal scope of production, please share in advance so we can evaluate the request beforehand.

Our believe that our proposal will resolve most, if not all, of the remaining disputes about RFP 223, 225-26, 227, and 231. The proposal will identify which RFPs Thomson Reuters is responding to, and we can address any remaining disputes on Wednesday.

Thanks,  
Cameron

**Cameron Ginder**

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---

**From:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>

**Sent:** Thursday, January 19, 2023 12:41 PM

**To:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>; Barsanti, Vanessa

<[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)>

**Cc:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>;

#Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com);

[jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com); ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>;

[\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>;

[\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>; Barsanti, Vanessa

<[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)>

**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

I am writing to memorialize our phone conversation and to ask questions regarding the conversation.

During the conversation you stated that Plaintiffs' position with regard to Request Nos. 186, 196, 197, 199-202, 203-204, 209, 214-215, 224, 188-189, 191, 195, 205, 208, and 219-220 has changed. You stated that Plaintiffs will no longer only produce documents "sufficient to show" the information requested. However, we are uncertain what that means you will be producing. Will you be producing all documents in response to the requests as drafted so that, as an example, the documents include both documents and communications related to strategies and/or plans for the sale, distribution, and license, of the Westlaw platform, search tools, public law database, and legal search platforms (see Request Nos. 199-202). Or, is the plan to produce some smaller subset, such as "business plans for the sale, distribution, or license of the Westlaw Platform" (see R&Os to Request Nos. 199-202)? If it is the latter, then we will proceed to raise the issue with the court.

During the conversation you also stated that Plaintiffs stand on their temporal limitation objections, although you agreed to discuss this as to each request. If we do not have resolution on the above dispute then we will move forward with seeking leave from the court on both the above dispute and the temporal limitations dispute. However, if we have resolution on the above dispute then we request a final conferral to discuss the temporal limits for particular document requests Monday.

We did not discuss the final two disputes related to RFP Nos. 223, 225-226, 227 and RFP No. 231. I assume that your positions on these requests are unchanged.

Finally, you stated that before next Wednesday Plaintiffs would provide ROSS with a list of proposed search terms and custodians, and that we can discuss those on Wednesday at 10:30 AM CT.

### Jacob Canter

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---

**From:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>

**Sent:** Thursday, January 19, 2023 9:44 AM

**To:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>

**Cc:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>;

#Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com);

[jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com); ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>;

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[\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>; Barsanti, Vanessa

<[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)>

**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

External Email

Jacob - We have the draft joint letter. Do you have 10 minutes to discuss between 10-11CT?



Thanks,  
Cameron

### Cameron Ginder

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---

**From:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>

**Sent:** Wednesday, January 18, 2023 3:00 PM

**To:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>

**Cc:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>;

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[\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>

**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

Cameron, I am writing because we inadvertently omitted RFP Nos. 196 and 197 from the list of requests where a dispute remains about the metes and bounds of Plaintiffs' offer (#2). We are writing to confirm that our dispute regarding these requests is also final.

Also, attached is the joint letter raising these disputes with the Court. Once you approve we will file.  
Kind regards,

### Jacob Canter

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---

**From:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>

**Sent:** Friday, January 13, 2023 8:52 PM

**To:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>

**Cc:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>;

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[jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com); ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>;

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[\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>

**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-

233

Cameron,

We write to memorialize the material we agreed on and to also memorialize the disputes that remain. As we discussed on the call, for those disputes that remain, there is an impasse and our conferral constituted a final conferral, making these disputes appropriate for court intervention.

**Topics on which we agree**

1. **RFP No. 187.** There is no dispute because Plaintiffs also agree to produce documents sufficient to show the costs of offering Westlaw to law students as they are kept in the ordinary course of business. Thank you.
2. **RFP No. 222.** There is no dispute because Plaintiffs also agree to produce the terms of service for documents from the governmental entities that are published on the platform. Thank you.
3. **RFP No. 210.** There is no dispute because Plaintiffs clarified that they have accepted ROSS' definition of competitors and also agree to produce agreements with competitors related to both licenses and potential licenses for the platform, database, and search tools, and also for material that is within the databases and search tools. Thank you.

**Topics where disputes remain**

1. **Temporal limitation on all requests.** It is Plaintiffs' position that the temporal limitation for all documents and communications should be January 1, 2015, except to the extent for "documents [and communications] sufficient to show any business plans, products, and licenses related to its public law database separate from any search technology." For this latter category, the temporal limitation will be January 1, 1990. It is Plaintiffs' position that a different temporal limit is overly burdensome and would lead to the production of irrelevant documents. Also, it is Plaintiffs' position that the January 2015 limitation is appropriate because ROSS started in January 2015. ROSS disagrees that when ROSS started is an appropriate reason to limit discovery on Westlaw's conduct. ROSS has stated that it is Plaintiffs' burden to demonstrate in specific terms for each request why no temporal limitation is improper. For example, business plans and communications related to the decision to develop a single platform that includes both a public law database and tools which allows users to search through the database would be relevant to the tying claim but would not be produced if they are from before 2015. We offered you the opportunity to provide a specific reason why a specific temporal limit should be in place for each of the document requests, which you declined to do. ROSS has also stated, citing supporting law, that the temporal limitations Plaintiffs proposal would cause documents relevant to the tying and UCL claims to not be produced. And ROSS has identified documents already produced by Plaintiffs which reflect that documents from before January 1, 1990, would be responsive and relevant. This dispute requires court intervention to resolve.
2. **RFP Nos. 186, 199-202, 203-204, 209, 214-215, 224, 188-189, 191, 195, 205, 208, and 219-220.** It is Plaintiffs' position that the metes and bounds of Plaintiffs' offers in response to these requests are clear and that they do not exclude any relevant materials. ROSS disagrees. ROSS has identified with specificity why, with each request, it is unclear what material is

excluded and for what reason it would be excluded. See Dec 29 Letter, at 2-9; Jan 12 Letter, at 3-5. For example, at the conferral today we again brought up your offer to produce a “request sufficient to show business plans” in response to RFPs 199-202. We stated that it is unclear whether this request includes or excludes drafts, communications about the plan, memorandum and analyses of the plan, and other materials which reflect reactions to the plan and you were unable to articulate a clear answer. ROSS has also stated, citing case law, that the language Plaintiffs’ use provide an opportunity for cherry-picking. Dec 29 Letter, at 2-4. This dispute requires court intervention to resolve.

3. **RFP Nos. 223, 225-226, 227.** In response to these requests, Plaintiffs agree to “produce documents sufficient to show its process for deciding what opinions to (1) publish in official print reporters and (2) include online.” Plaintiffs state that the request requires Plaintiffs to produce no additional material. ROSS contends that these requests also require Plaintiffs to produce materials related to deciding whether or not to publish collections of judicial opinions in paper-format, such as in a hard copy book. Dec 29 Letter, at 12-13, 14. This dispute requires court intervention to resolve.
4. **RFP No. 231.** This request seeks documents related to “each instance in which any entity requests a change to” Plaintiffs terms of service for access to the Westlaw Platform, including all instances in which any entity did not agree to the terms of service and were not granted access to the Westlaw Platform. At the Dec 1 and 2 conferral, Plaintiffs asked ROSS to identify specific provisions from its terms of service, which ROSS did. Dec 29 Letter, at 14-15. Plaintiffs then instead said that they would produce documents “sufficient to show any request to change the Westlaw terms and conditions in a way that would allow the requesting party to use Thomson Reuters’ public law database separate from search technology.” Plaintiffs contend that this offer is adequate. ROSS disagrees because materials that are relevant and would be produced in response to a request for instances in which an entity did not agree to how West defines “Data” in Section 1.a of its terms of service would be excluded based on Plaintiffs’ counteroffer. There is thus a dispute which requires court intervention to resolve.

We intend to notify the Court on Tuesday, January 17, 2023, of the disputes that require intervention to resolve. We will provide you with a draft letter to the Court on Monday. Kind regards,

### Jacob Canter

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---

**From:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>

**Sent:** Thursday, January 12, 2023 1:08 PM

**To:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>

**Cc:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>;

#Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com);

[jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com); ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>;

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**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

Cameron,

Please see attached. We look forward to tomorrow's call. Kind regards,

### Jacob Canter

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**From:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>

**Sent:** Tuesday, January 10, 2023 5:49 PM

**To:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>

**Cc:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>;

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**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

External Email

Jacob -- Attached are our proposed revisions to the joint stipulation. If this is acceptable, you have our permission to file with the court. We do not agree to file the stipulation as originally drafted.

Cameron

### Cameron Ginder

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**From:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>

**Sent:** Tuesday, January 10, 2023 5:26 PM

**To:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>

**Cc:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>;

#Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com);  
[jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com); ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>;  
[\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>;  
[\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>

**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

Hi Cameron, please see attached a draft stipulation. Please let us know if we have your approval to file with the Court.

Kind regards,

### Jacob Canter

Pronouns: he/him/his

Crowell & Moring LLP

[jcanter@crowell.com](mailto:jcanter@crowell.com)

+1.415.365.7210 direct | +1.415.385.3716 mobile

---

**From:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>

**Sent:** Tuesday, January 10, 2023 1:04 PM

**To:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>

**Cc:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>;

#Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com);

[jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com); ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>;

[\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>;

[\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>

**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

External Email

Thanks, Jacob. We'll take a look at the stip when you send it across.

We can meet and confer on Friday 9:30-10:30PT on Friday but have a hard stop at 10:30PT that cannot be moved. If ROSS still believes a 90-minute meet and confer is necessary, we can look at next week.

### Cameron Ginder

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**From:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>  
**Sent:** Tuesday, January 10, 2023 12:51 PM  
**To:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>  
**Cc:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>;  
 #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com);  
[jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com); ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>;  
[\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>;  
[\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>  
**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

Cameron,

Thank you for the email. We agree with your counterproposal and will prepare a joint stipulation, which we will send to you later today.

Also, we are available for a conferral regarding the discovery requests on this Friday, January 13. We are available at any time between 9:30 AM PT and 11:00 AM PT. Please let us know a time that works for you within that window.

#### Jacob Canter

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 Crowell & Moring LLP  
[jcanter@crowell.com](mailto:jcanter@crowell.com)  
 +1.415.365.7210 direct | +1.415.385.3716 mobile

**From:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>  
**Sent:** Tuesday, January 10, 2023 8:02 AM  
**To:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>  
**Cc:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>;  
 #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com);  
[jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com); ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>;  
[\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>;  
[\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>  
**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

#### External Email

Jacob -- See below for Thomson Reuters' counterproposal on a schedule extension. Also, attached is Thomson Reuters' response to ROSS's December 29 letter.

| Task                   | Current Deadline | ROSS Proposal | TR Counter        |
|------------------------|------------------|---------------|-------------------|
| Substantial Completion | January 12, 2023 | April 6, 2023 | February 23, 2023 |

|                         |                    |                    |                    |
|-------------------------|--------------------|--------------------|--------------------|
| End of Fact Discovery   | March 30, 2023     | June 22, 2023      | May 11, 2023       |
| Expert Reports          | April 27, 2023     | July 20, 2023      | May 25, 2023       |
| Rebuttal Reports        | May 25, 2023       | August 17, 2023    | June 22, 2023      |
| Reply Reports           | June 22, 2023      | September 14, 2023 | July 20, 2023      |
| End of Expert Discovery | July 13, 2023      | October 5, 2023    | August 3, 2023     |
| Opening SJ Briefs       | August 17, 2023    | November 9, 2023   | August 31, 2023    |
| SJ Opposition Briefs    | September 14, 2023 | December 7, 2023   | September 28, 2023 |
| SJ Reply Briefs         | October 12, 2023   | January 4, 2024    | October 26, 2023   |

Cameron

### Cameron Ginder

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[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)

**From:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>

**Sent:** Monday, January 9, 2023 6:47 PM

**To:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>

**Cc:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>;

#Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com);

[jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com); ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>;

[\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>;

[\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>

**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

Thank you, Cameron. 3:30 PT / 5:30 CT works on our end. I will send an invite to you and Miranda and to your local counsel. Can you please confirm that your local counsel will attend in case this is an opposed request?

### Jacob Canter

Pronouns: he/him/his

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[jcanter@crowell.com](mailto:jcanter@crowell.com)

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**From:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>  
**Sent:** Monday, January 9, 2023 3:24 PM  
**To:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>  
**Cc:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com); [jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com); ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>; [\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>; [\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>  
**Subject:** Re: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

External Email

I can be free before 2, from 3-4, and after 5ct.

### Cameron Ginder

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On Jan 9, 2023, at 5:15 PM, Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)> wrote:

Thank you for the response, Cameron. Given that the substantial completion deadline is Thurs., Jan 12, please let us know your availability to participate in a conferral (if necessary) on Tues., Jan 10, so we have adequate time to contact the court with the joint or opposed request.

### Jacob Canter

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[jcanter@crowell.com](mailto:jcanter@crowell.com)  
+1.415.365.7210 direct | +1.415.385.3716 mobile

---

**From:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>  
**Sent:** Monday, January 9, 2023 2:34 PM  
**To:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>; Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>  
**Cc:** Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com); [jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com); ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>; [\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>; [\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>  
**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses



to RFPs 182-233

**External Email**

Jacob - We will have a response on the schedule by mid-day tomorrow. We are also preparing a response to ROSS's most recent letter and can schedule a meet and confer then.

Cameron

**Cameron Ginder**

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**F** +1 312 862 2200

[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)

---

**From:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>

**Sent:** Friday, January 6, 2023 2:42 PM

**To:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>; Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>

**Cc:** Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com); [jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com); ROSS Lit Team <[RossLitteam@crowell.com](mailto:RossLitteam@crowell.com)>; [\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>; [\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>

**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

Cameron,

Thank you for the response. Please respond to the scheduling proposal by no later than **Monday January 9 at 11 PT** so that we can have enough time to confer and contact the court with either a joint or opposed request.

Also, we have not received a response to the letter regarding Plaintiffs' responses to RFPs 182-233, which I sent on December 29, 2022. Please also let us know when you are available for a 90-minute final conferral in regards to the letter. We have availability at the following times:

1. Monday Jan 9, 1:30-3 PT
2. Tuesday Jan 10, 2-4 PT
3. Wednesday Jan 11, 1-3 PT

Kind regards,

## Jacob Canter

Pronouns: he/him/his

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[jcanter@crowell.com](mailto:jcanter@crowell.com)

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---

**From:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>

**Sent:** Thursday, January 5, 2023 12:36 PM

**To:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>; Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>

**Cc:** Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com); [jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com); ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>; [\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>; [\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>

**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

External Email

Jacob - We are considering your proposal and will get you an answer early next week. We can confer, if needed, at that time.

Cameron

## Cameron Ginder

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F +1 312 862 2200

[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)

---

**From:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>

**Sent:** Thursday, January 5, 2023 12:02 PM

**To:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>; Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>

**Cc:** Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com); [jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com); ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>; [\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>; [\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>

**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

Hello Cameron and Miranda,

Please let us know if you agree to the proposed schedule or would like to discuss tomorrow. Because both sides still have significant outstanding discovery issues to resolve, we think this extension makes sense. The letter is reattached.

Kind regards,

**Jacob Canter**

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---

**From:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>  
**Sent:** Friday, December 30, 2022 12:23 PM  
**To:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>; Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>  
**Cc:** Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com); [jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com); ROSS Lit Team <[RossLitteam@crowell.com](mailto:RossLitteam@crowell.com)>; [\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>; [\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>  
**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

Hello Cameron and Miranda,

Please see the attached letter. Kind regards,

**Jacob Canter**

Pronouns: he/him/his  
Crowell & Moring LLP  
[jcanter@crowell.com](mailto:jcanter@crowell.com)  
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---

**From:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>  
**Sent:** Thursday, December 29, 2022 6:26 PM  
**To:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>; Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>  
**Cc:** Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com); [jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com); ROSS Lit Team <[RossLitteam@crowell.com](mailto:RossLitteam@crowell.com)>; [\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>; [\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com)

[<bpalapura@potteranderson.com>](mailto:bpalapura@potteranderson.com)

**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

Hello Cameron and Miranda,

Please see the attached letter. Kind regards,

**Jacob Canter**

Pronouns: he/him/his

Crowell & Moring LLP

[jcanter@crowell.com](mailto:jcanter@crowell.com)

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---

**From:** Ginder, Cameron [<cameron.ginder@kirkland.com>](mailto:cameron.ginder@kirkland.com)

**Sent:** Wednesday, November 23, 2022 3:36 PM

**To:** Hughes, Dalton [<DHughes@crowell.com>](mailto:DHughes@crowell.com)

**Cc:** Means, Miranda [<miranda.means@kirkland.com>](mailto:miranda.means@kirkland.com); #Thomson-Ross [<thomson-ross@kirkland.com>](mailto:thomson-ross@kirkland.com); [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com); [jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com); ROSS Lit Team [<Rosslitteam@crowell.com>](mailto:Rosslitteam@crowell.com); [\\*dmoore@Potteranderson.com1](mailto:dmoore@Potteranderson.com1) [<dmoore@Potteranderson.com>](mailto:dmoore@Potteranderson.com); [\\*bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com) [<bpalapura@potteranderson.com>](mailto:bpalapura@potteranderson.com)

**Subject:** Re: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

**External Email**

Thanks, Dalton. Thursday works.

Have a nice Thanksgiving.

**Cameron Ginder**

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**F** +1 312 862 2200

---

[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)

On Nov 23, 2022, at 3:05 PM, Hughes, Dalton [<DHughes@crowell.com>](mailto:DHughes@crowell.com) wrote:

Cameron,

We are available from 11:30-2:30 PT Thursday Dec. 1st, and 10:30-12 PT Friday Dec. 2nd.

Thank you,  
Dalton

### Dalton Kyle Hughes

Pronouns: he/him/his  
Crowell & Moring LLP  
[dhughes@crowell.com](mailto:dhughes@crowell.com)  
+1.312.840.3253 direct | +1.615.426.7320 mobile

---

**From:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>  
**Sent:** Tuesday, November 22, 2022 8:22 PM  
**To:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com); [jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com)  
**Cc:** ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>; [\\*dmoore@Potteranderson.com](mailto:*dmoore@Potteranderson.com) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>; [\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>  
**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

External Email

Dalton/Joachim - Please see attached.

We are not available to meet and confer at the times you mentioned below. Please let us know your availability on Thursday and Friday of next week.

Thanks,  
Cameron

### Cameron Ginder

---

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---

**From:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>  
**Sent:** Monday, November 21, 2022 2:06 PM

**To:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com); [jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com)  
**Cc:** ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>; [\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>; [\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>  
**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

Cameron,

We have still not received a response to our November 7, 2022 letter regarding Plaintiffs' responses to our RFPs. Please provide your availability to meet and confer on Monday or Tuesday of next week. We are available at 10:30 AM PT, 2:00 PM PT, and 4:00 PM PT on Monday, November 28; and 9:30 AM PT, 12:00 PM PT, and 3:00 PM PT on Tuesday, November 29.

Best regards,  
Dalton

### Dalton Kyle Hughes

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[dhughes@crowell.com](mailto:dhughes@crowell.com)  
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---

**From:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>  
**Sent:** Tuesday, November 15, 2022 8:22 AM  
**To:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com); [jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com)  
**Cc:** ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>; [\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>; [\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>  
**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

External Email

Dalton - We are preparing a written response to your letter.

Thanks,  
Cameron

## Cameron Ginder

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[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)

---

**From:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>

**Sent:** Monday, November 14, 2022 3:05 PM

**To:** Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>; #Thomson-Ross  
<[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com);  
[jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com)

**Cc:** ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>;

[\\*dmoore@Potteranderson.com](mailto:*dmoore@Potteranderson.com)1 <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>;

[\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>

**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re  
Plaintiffs' Responses to RFPs 182-233

Counsel,

Please let us know Plaintiffs' positions on the RFPs in the letter sent below. If Plaintiffs will not produce the documents as requested, then let us know your availability to meet and confer as to these requests.

Best regards,  
Dalton

## Dalton Kyle Hughes

Pronouns: he/him/his

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---

**From:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>

**Sent:** Monday, November 7, 2022 2:58 PM

**To:** Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>; #Thomson-Ross  
<[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com);  
[jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com)

**Cc:** ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>;

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[\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>

**Subject:** Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs'

Responses to RFPs 182-233

Counsel,

Please see the attached letter.

Best regards,  
Dalton

**Dalton Kyle Hughes**

Pronouns: he/him/his

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The information contained in this communication is confidential, may be attorney-client privileged, may



# **EXHIBIT B**

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**From:** Barsanti, Vanessa

**Sent:** Wednesday, January 25, 2023 11:18 AM

**To:** 'Canter, Jacob' <[JCanter@crowell.com](mailto:JCanter@crowell.com)>

**Cc:** 'Hughes, Dalton' <[DHughes@crowell.com](mailto:DHughes@crowell.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; 'mflynn@morrisnichols.com' <[mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com)>; 'jblumenfeld@morrisnichols.com' <[jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com)>; 'ROSS Lit Team' <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>; \*[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)1 <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>; \*[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>; Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>; Bishop, Erin <[erin.bishop@kirkland.com](mailto:erin.bishop@kirkland.com)>; Miller, Dana R. Bucy <[dana.miller@kirkland.com](mailto:dana.miller@kirkland.com)>

**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

Jacob and team,

Thank you again for the discussion this morning. Per our conversation, I am attaching here an excel with the original terms from yesterday, the current terms, which have been updated to function in Relativity appropriately (e.g., exclamation points changed to asterisks) and to resolve a couple of issues I mentioned. The substantive changes are reflected in the notes column. As you requested, we've included a column as a general road map to show which term satisfies which RFP(s). Though given the breadth of some of the terms they may in fact locate documents responsive to additional RFPs. We are still collecting data, so continue to reserve our rights to amend these.

Lastly you asked for some additional information on our proposed custodians. The below list adds their titles and their length of employment. Please let us know if you have any further questions.

Custodians:

- Andrew Martens - Senior Vice President & Global Head Legal Product & Editorial
  - Began at West Publishing in 1993, Thomson West in 1998, Thomson Reuters in 2003
- Erik Lindberg - Senior Director, Westlaw Product Management
  - Began at West Publishing in 1992, Thomson Reuters in 2000
- Mark Hoffman - Finance Manager
  - Began at Thomson Reuters in 2004
- Christine Post - Senior Director, Market Research & Competitive Intelligence
  - Began at Thomson Reuters in 1993
- Dustin Cripe - Corporate Strategy Director
  - Began at Thomson Reuters in 2018
- Thomas Leighton - Vice President, Government Relations & Content Acquisition
  - Began at Thomson Reuters in 2008
- Bridgett You - Vice President Revenue Management, Mid & Global Large Law; Prior to January 2023 - Senior Director of Strategic Pricing & Revenue Management
  - Began at Thomson Reuters in 2006
- Mike Dahn - Senior Vice President & Head of Westlaw Product Management

- Began at Thomson Reuters in 2000

**Vanessa Barsanti**

She/Her/Hers

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[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)

---

**From:** Barsanti, Vanessa

**Sent:** Tuesday, January 24, 2023 1:45 PM

**To:** 'Canter, Jacob' <[JCanter@crowell.com](mailto:JCanter@crowell.com)>

**Cc:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com); [jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com); ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>; [\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>; [\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>; Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>

**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

Good timing, Jacob. I was just finishing a note to you re search parameters. Since we last spoke, Thomson Reuters has engaged an eDiscovery vendor who has already begun collection efforts. While we have not yet been able to test terms against the data as it is still in the process of being collected/processed, in the spirit of full transparency we are sharing with you the search parameters we intend to employ so long as the testing confirms those parameters are not unreasonably burdensome or overly broad.

Subject to the above caveat, in order to locate documents responsive to ROSS's RFPs, Thomson intends to utilize the following search parameters:

- Time Frame: 1/1/15 to 12/31/22
- Custodians/Data Source: Emails of all of the individuals disclosed in Thomson's initial disclosures (Andrew Martens, Erik Lindberg, Mark Hoffman, Christine Post, Dustin Cripe, Thomas Leighton, and Bridgett You), in addition to Mike Dahn (Senior Vice President and head of Westlaw Product Management)
- Terms:
  - Market! w/10 (research! OR insight! OR analys! OR plan! OR survey! OR report! OR stud!)
  - (Westlaw or WL OR legal! OR customer! OR segment! OR licens!) w/10 (strateg! OR plan!)
  - (Westlaw OR WL OR product!) w/10 (management! OR development!)
  - (Westlaw OR WL) w/10 (sale! OR market! OR advertis! OR distribut!)

- (market! OR competit! OR Lexis! OR Fastcase OR Google OR Casemaker OR Casetext OR “Wolters Kluwer” OR Bloomberg OR Jurisearch OR ROSS) w/15 (survey OR report! OR overview OR intel! OR analys! OR investigat! OR insight! OR research! OR compar! OR info!)
- (SWAT OR Indigo)
- (licens! OR contract! OR deal OR negotiat!) w/15 (competit! OR Lexis! OR Fastcase OR Google OR Casemaker OR Casetext OR “Wolters Kluwer” OR Bloomberg OR Jurisearch OR ROSS)
- (licens! OR contract! OR deal OR negotiat!) w/15 ROSS)
- (Case! OR statut! OR regulat! OR data! OR API OR “public law” OR content!) w/15 (sale! OR sell! OR license OR market! OR advertis! OR distribut!)
- excessive w/5 (use OR usage OR download!)
- (download! OR stor! OR request!) w/10 (case! OR statut! OR regulat! OR data! OR API OR “public law” OR content OR stor!)
- (invest! OR develop! OR improv! OR enhanc! OR upgrad! OR discontinu! OR cancel! OR stop! OR abandon! OR drop!) w/15 (Westlaw! OR WL OR “search tech!” OR “search tool!” OR “artificial intelligence” OR AI OR NLP OR “natural language” OR “Westlaw Edge” or featur!)
- ((ceas! OR discontinu! OR cancel! OR stop! OR abandon! OR drop! OR (phas! w/3 out)) w/15 (“Westlaw Next” OR “Westlaw Classic”))
- (“search tech!” OR “Head Notes” OR “Key Number System” OR WKNS OR “artificial intelligence” OR AI OR “natural language” OR NLP) w/15 (sell! OR license OR market!)
- (strateg! OR continu! OR discontinu! OR stop! OR cancel! OR abandon! OR drop! OR stop!) AND (updat! OR publish! OR print! OR offer! OR sell!) AND (hardcopy OR “hard copy” OR physical OR book! OR (case OR court) w/5 reporter!))
- (Westlaw or WL OR subscription) w/15 (pric! OR charg! OR cost! OR discount! OR negotiat! OR offer!)
- pric! w/3 guideline!
- (print! OR hardcopy OR “hard copy” OR physical OR book! OR (case OR court) w/5 reporter!)) w/15 (pric! OR cost! OR charg!)
- (Westlaw OR WL) AND (pric! w/10 (model! OR structur! OR guarante! OR structur!))
- (publish! OR publication OR submit! OR submission) w/5 (guide! OR opinion! OR decision! OR order! OR publi!)
- (“law student!” OR “law school!”) w/10 (invest! OR access! OR program! OR cost! OR train! OR strateg! OR manual! OR polic!)) AND (Westlaw OR WL)

As we have not been able to test these terms yet, they may prove over-inclusive/too burdensome. If a narrowing of these terms is required we will reach out to you with information about the requisite modification and are happy to meet and confer about it if you have any concerns. As we discussed last week, if there are any terms ROSS is interested in adding, or if you’d like to see modifications of these proposed terms, please let us know as soon as possible so we can immediately test those terms as soon as the data is available.

Given that we are both coming to the table with new information/modifications to requests, and that we of course have to take your proposal to our client, I don’t expect that this will in fact be our

last meet and confer. But we look forward to speaking tomorrow and working out as much as we possibly can.

Thank you,

**Vanessa Barsanti**

She/Her/Hers

---

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[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)

---

**From:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>

**Sent:** Tuesday, January 24, 2023 1:38 PM

**To:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>; Barsanti, Vanessa

<[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)>

**Cc:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>;

#Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com);

[jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com); ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>;

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[\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>; Barsanti, Vanessa

<[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)>

**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

Cameron, Plaintiffs asked for ROSS to make temporal limitation proposals for the document requests in ROSS's first set of requests. As we have explained, this is not ROSS's burden. Plaintiffs have made no argument to the contrary. Nonetheless, Plaintiffs are apparently unable to offer their own temporal limits and instead of offering to do so before the final conferral, requested that ROSS do so after the parties already held the final conferral. Thus, to move the document production process along, ROSS proposes temporal limits for the first set of document requests as reflected in the attached word document. ROSS offers this proposal without prejudice to revisit the temporal limitations if ROSS discovers that we need to go further back in time.

You stated that Plaintiffs would have a proposal before tomorrow's conferral at 10:30 AM CT conferral addressing all of the remaining disputes related to the first set of document requests and also addressing the second set of document requests. You also said that Plaintiffs would have search term proposals before tomorrow's conferral as well. Please also come prepared to address ROSS's temporal limit proposals. As we have already stated, this will be the final conferral on all of the document requests that we discuss.

**Jacob Canter**

Pronouns: he/him/his

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**From:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>  
**Sent:** Thursday, January 19, 2023 3:00 PM  
**To:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>; Barsanti, Vanessa <[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)>  
**Cc:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>;  
#Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com);  
[jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com); ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>;  
\*[dmoore@Potteranderson.com1](mailto:dmoore@Potteranderson.com1) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>;  
\*[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>; Barsanti, Vanessa  
<[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)>  
**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

**External Email**

Jacob -- In response to your questions below.

We intend to produce all documents and communications as requested, subject to our proposal, which, as you note, we are aiming to provide as quickly as possible.

You have accurately stated our discussion on Thomson Reuters' temporal objection. We are unavailable for a final meet and confer on Monday but can make Tuesday morning work. If ROSS identifies specific requests for which it believes it needs a broader temporal scope of production, please share in advance so we can evaluate the request beforehand.

Our believe that our proposal will resolve most, if not all, of the remaining disputes about RFP 223, 225-26, 227, and 231. The proposal will identify which RFPs Thomson Reuters is responding to, and we can address any remaining disputes on Wednesday.

Thanks,  
Cameron

**Cameron Ginder**

---

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---

**From:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>  
**Sent:** Thursday, January 19, 2023 12:41 PM

**To:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>; Barsanti, Vanessa <[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)>

**Cc:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com); [jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com); ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>; [\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>; [\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>; Barsanti, Vanessa <[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)>

**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

I am writing to memorialize our phone conversation and to ask questions regarding the conversation.

During the conversation you stated that Plaintiffs' position with regard to Request Nos. 186, 196, 197, 199-202, 203-204, 209, 214-215, 224, 188-189, 191, 195, 205, 208, and 219-220 has changed. You stated that Plaintiffs will no longer only produce documents "sufficient to show" the information requested. However, we are uncertain what that means you will be producing. Will you be producing all documents in response to the requests as drafted so that, as an example, the documents include both documents and communications related to strategies and/or plans for the sale, distribution, and license, of the Westlaw platform, search tools, public law database, and legal search platforms (see Request Nos. 199-202). Or, is the plan to produce some smaller subset, such as "business plans for the sale, distribution, or license of the Westlaw Platform" (see R&Os to Request Nos. 199-202)? If it is the latter, then we will proceed to raise the issue with the court.

During the conversation you also stated that Plaintiffs stand on their temporal limitation objections, although you agreed to discuss this as to each request. If we do not have resolution on the above dispute then we will move forward with seeking leave from the court on both the above dispute and the temporal limitations dispute. However, if we have resolution on the above dispute then we request a final conferral to discuss the temporal limits for particular document requests Monday.

We did not discuss the final two disputes related to RFP Nos. 223, 225-226, 227 and RFP No. 231. I assume that your positions on these requests are unchanged.

Finally, you stated that before next Wednesday Plaintiffs would provide ROSS with a list of proposed search terms and custodians, and that we can discuss those on Wednesday at 10:30 AM CT.

#### Jacob Canter

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**From:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>

**Sent:** Thursday, January 19, 2023 9:44 AM

**To:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>

**Cc:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com); [jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com); ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>; [\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>; [\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>; Barsanti, Vanessa <[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)>

**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

External Email

Jacob - We have the draft joint letter. Do you have 10 minutes to discuss between 10-11CT?

Thanks,  
Cameron

**Cameron Ginder**

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---

**From:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>

**Sent:** Wednesday, January 18, 2023 3:00 PM

**To:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>

**Cc:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com); [jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com); ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>; [\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>; [\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>

**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

Cameron, I am writing because we inadvertently omitted RFP Nos. 196 and 197 from the list of requests where a dispute remains about the metes and bounds of Plaintiffs' offer (#2). We are writing to confirm that our dispute regarding these requests is also final.

Also, attached is the joint letter raising these disputes with the Court. Once you approve we will file.  
Kind regards,

**Jacob Canter**



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**From:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>  
**Sent:** Friday, January 13, 2023 8:52 PM  
**To:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>  
**Cc:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>;  
#Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com);  
[jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com); ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>;  
[\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>;  
[\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>  
**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

Cameron,

We write to memorialize the material we agreed on and to also memorialize the disputes that remain. As we discussed on the call, for those disputes that remain, there is an impasse and our conferral constituted a final conferral, making these disputes appropriate for court intervention.

**Topics on which we agree**

1. **RFP No. 187.** There is no dispute because Plaintiffs also agree to produce documents sufficient to show the costs of offering Westlaw to law students as they are kept in the ordinary course of business. Thank you.
2. **RFP No. 222.** There is no dispute because Plaintiffs also agree to produce the terms of service for documents from the governmental entities that are published on the platform. Thank you.
3. **RFP No. 210.** There is no dispute because Plaintiffs clarified that they have accepted ROSS' definition of competitors and also agree to produce agreements with competitors related to both licenses and potential licenses for the platform, database, and search tools, and also for material that is within the databases and search tools. Thank you.

**Topics where disputes remain**

1. **Temporal limitation on all requests.** It is Plaintiffs' position that the temporal limitation for all documents and communications should be January 1, 2015, except to the extent for "documents [and communications] sufficient to show any business plans, products, and licenses related to its public law database separate from any search technology." For this latter category, the temporal limitation will be January 1, 1990. It is Plaintiffs' position that a different temporal limit is overly burdensome and would lead to the production of irrelevant documents. Also, it is Plaintiffs' position that the January 2015 limitation is appropriate because ROSS started in January 2015. ROSS disagrees that when ROSS started is an appropriate reason to limit discovery on Westlaw's conduct. ROSS has stated that it is Plaintiffs' burden to demonstrate in specific terms for each request why no temporal

limitation is improper. For example, business plans and communications related to the decision to develop a single platform that includes both a public law database and tools which allows users to search through the database would be relevant to the tying claim but would not be produced if they are from before 2015. We offered you the opportunity to provide a specific reason why a specific temporal limit should be in place for each of the document requests, which you declined to do. ROSS has also stated, citing supporting law, that the temporal limitations Plaintiffs proposal would cause documents relevant to the tying and UCL claims to not be produced. And ROSS has identified documents already produced by Plaintiffs which reflect that documents from before January 1, 1990, would be responsive and relevant. This dispute requires court intervention to resolve.

2. **RFP Nos. 186, 199-202, 203-204, 209, 214-215, 224, 188-189, 191, 195, 205, 208, and 219-220.** It is Plaintiffs' position that the metes and bounds of Plaintiffs' offers in response to these requests are clear and that they do not exclude any relevant materials. ROSS disagrees. ROSS has identified with specificity why, with each request, it is unclear what material is excluded and for what reason it would be excluded. See Dec 29 Letter, at 2-9; Jan 12 Letter, at 3-5. For example, at the conferral today we again brought up your offer to produce a "request sufficient to show business plans" in response to RFPs 199-202. We stated that it is unclear whether this request includes or excludes drafts, communications about the plan, memorandum and analyses of the plan, and other materials which reflect reactions to the plan and you were unable to articulate a clear answer. ROSS has also stated, citing case law, that the language Plaintiffs' use provide an opportunity for cherry-picking. Dec 29 Letter, at 2-4. This dispute requires court intervention to resolve.
3. **RFP Nos. 223, 225-226, 227.** In response to these requests, Plaintiffs agree to "produce documents sufficient to show its process for deciding what opinions to (1) publish in official print reporters and (2) include online." Plaintiffs state that the request requires Plaintiffs to produce no additional material. ROSS contends that these requests also require Plaintiffs to produce materials related to deciding whether or not to publish collections of judicial opinions in paper-format, such as in a hard copy book. Dec 29 Letter, at 12-13, 14. This dispute requires court intervention to resolve.
4. **RFP No. 231.** This request seeks documents related to "each instance in which any entity requests a change to" Plaintiffs terms of service for access to the Westlaw Platform, including all instances in which any entity did not agree to the terms of service and were not granted access to the Westlaw Platform. At the Dec 1 and 2 conferral, Plaintiffs asked ROSS to identify specific provisions from its terms of service, which ROSS did. Dec 29 Letter, at 14-15. Plaintiffs then instead said that they would produce documents "sufficient to show any request to change the Westlaw terms and conditions in a way that would allow the requesting party to use Thomson Reuters' public law database separate from search technology." Plaintiffs contend that this offer is adequate. ROSS disagrees because materials that are relevant and would be produced in response to a request for instances in which an entity did not agree to how West defines "Data" in Section 1.a of its terms of service would be excluded based on Plaintiffs' counteroffer. There is thus a dispute which requires court intervention to resolve.

We intend to notify the Court on Tuesday, January 17, 2023, of the disputes that require intervention to resolve. We will provide you with a draft letter to the Court on Monday. Kind regards,

## Jacob Canter

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**From:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>

**Sent:** Thursday, January 12, 2023 1:08 PM

**To:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>

**Cc:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>;

#Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com);

[jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com); ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>;

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**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

Cameron,

Please see attached. We look forward to tomorrow's call. Kind regards,

## Jacob Canter

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**From:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>

**Sent:** Tuesday, January 10, 2023 5:49 PM

**To:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>

**Cc:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>;

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**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

External Email

Jacob -- Attached are our proposed revisions to the joint stipulation. If this is acceptable, you have our permission to file with the court. We do not agree to file the stipulation as originally drafted.

Cameron

**Cameron Ginder**

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**From:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>

**Sent:** Tuesday, January 10, 2023 5:26 PM

**To:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>

**Cc:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>;

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**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

Hi Cameron, please see attached a draft stipulation. Please let us know if we have your approval to file with the Court.

Kind regards,

**Jacob Canter**

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**From:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>

**Sent:** Tuesday, January 10, 2023 1:04 PM

**To:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>

**Cc:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>;

#Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com);

[jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com); ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>;

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**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

**External Email**

Thanks, Jacob. We'll take a look at the stip when you send it across.

We can meet and confer on Friday 9:30-10:30PT on Friday but have a hard stop at 10:30PT that cannot be moved. If ROSS still believes a 90-minute meet and confer is necessary, we can look at next week.

**Cameron Ginder**

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**From:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>

**Sent:** Tuesday, January 10, 2023 12:51 PM

**To:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>

**Cc:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>;

#Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com);

[jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com); ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>;

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**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

Cameron,

Thank you for the email. We agree with your counterproposal and will prepare a joint stipulation, which we will send to you later today.

Also, we are available for a conferral regarding the discovery requests on this Friday, January 13. We are available at any time between 9:30 AM PT and 11:00 AM PT. Please let us know a time that works for you within that window.

**Jacob Canter**

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**From:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>

**Sent:** Tuesday, January 10, 2023 8:02 AM

**To:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>

**Cc:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>;

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[jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com); ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>;

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**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

**External Email**

Jacob -- See below for Thomson Reuters' counterproposal on a schedule extension. Also, attached is Thomson Reuters' response to ROSS's December 29 letter.

| Task                    | Current Deadline   | ROSS Proposal      | TR Counter         |
|-------------------------|--------------------|--------------------|--------------------|
| Substantial Completion  | January 12, 2023   | April 6, 2023      | February 23, 2023  |
| End of Fact Discovery   | March 30, 2023     | June 22, 2023      | May 11, 2023       |
| Expert Reports          | April 27, 2023     | July 20, 2023      | May 25, 2023       |
| Rebuttal Reports        | May 25, 2023       | August 17, 2023    | June 22, 2023      |
| Reply Reports           | June 22, 2023      | September 14, 2023 | July 20, 2023      |
| End of Expert Discovery | July 13, 2023      | October 5, 2023    | August 3, 2023     |
| Opening SJ Briefs       | August 17, 2023    | November 9, 2023   | August 31, 2023    |
| SJ Opposition Briefs    | September 14, 2023 | December 7, 2023   | September 28, 2023 |
| SJ Reply Briefs         | October 12, 2023   | January 4, 2024    | October 26, 2023   |

Cameron

**Cameron Ginder**

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**From:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>

**Sent:** Monday, January 9, 2023 6:47 PM

**To:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>

**Cc:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>;

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**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

Thank you, Cameron. 3:30 PT / 5:30 CT works on our end. I will send an invite to you and Miranda and to your local counsel. Can you please confirm that your local counsel will attend in case this is an opposed request?

### Jacob Canter

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**From:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>

**Sent:** Monday, January 9, 2023 3:24 PM

**To:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>

**Cc:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>;

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**Subject:** Re: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

External Email

I can be free before 2, from 3-4, and after 5ct.

### Cameron Ginder

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---

[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)

On Jan 9, 2023, at 5:15 PM, Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)> wrote:

Thank you for the response, Cameron. Given that the substantial completion deadline is Thurs., Jan 12, please let us know your availability to participate in a conferral (if necessary) on Tues., Jan 10, so we have adequate time to contact the court with the joint or opposed request.

## Jacob Canter

Pronouns: he/him/his

Crowell & Moring LLP

[jcanter@crowell.com](mailto:jcanter@crowell.com)

+1.415.365.7210 direct | +1.415.385.3716 mobile

---

**From:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>

**Sent:** Monday, January 9, 2023 2:34 PM

**To:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>; Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>

**Cc:** Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com); [jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com); ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>; [\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>; [\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>

**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

External Email

Jacob - We will have a response on the schedule by mid-day tomorrow. We are also preparing a response to ROSS's most recent letter and can schedule a meet and confer then.

Cameron

## Cameron Ginder

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F +1 312 862 2200

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---

**From:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>

**Sent:** Friday, January 6, 2023 2:42 PM

**To:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>; Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>

**Cc:** Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com); [jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com); ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>; [\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>; [\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>

**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233



Cameron,

Thank you for the response. Please respond to the scheduling proposal by no later than **Monday January 9 at 11 PT** so that we can have enough time to confer and contact the court with either a joint or opposed request.

Also, we have not received a response to the letter regarding Plaintiffs' responses to RFPs 182-233, which I sent on December 29, 2022. Please also let us know when you are available for a 90-minute final conferral in regards to the letter. We have availability at the following times:

1. Monday Jan 9, 1:30-3 PT
2. Tuesday Jan 10, 2-4 PT
3. Wednesday Jan 11, 1-3 PT

Kind regards,

**Jacob Canter**

Pronouns: he/him/his

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[jcanter@crowell.com](mailto:jcanter@crowell.com)

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---

**From:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>

**Sent:** Thursday, January 5, 2023 12:36 PM

**To:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>; Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>

**Cc:** Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com); [jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com); ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>; [\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>; [\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>

**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

External Email

Jacob - We are considering your proposal and will get you an answer early next week. We can confer, if needed, at that time.

Cameron

**Cameron Ginder**

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[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)

---

**From:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>

**Sent:** Thursday, January 5, 2023 12:02 PM

**To:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>; Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>

**Cc:** Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com); [jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com); ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>; [\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>; [\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>

**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

Hello Cameron and Miranda,

Please let us know if you agree to the proposed schedule or would like to discuss tomorrow. Because both sides still have significant outstanding discovery issues to resolve, we think this extension makes sense. The letter is reattached.

Kind regards,

**Jacob Canter**

Pronouns: he/him/his

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[jcanter@crowell.com](mailto:jcanter@crowell.com)

+1.415.365.7210 direct | +1.415.385.3716 mobile

---

**From:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>

**Sent:** Friday, December 30, 2022 12:23 PM

**To:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>; Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>

**Cc:** Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com); [jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com); ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>; [\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>; [\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>

**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

Hello Cameron and Miranda,

Please see the attached letter. Kind regards,

**Jacob Canter**

Pronouns: he/him/his

Crowell & Moring LLP

[jcanter@crowell.com](mailto:jcanter@crowell.com)

+1.415.365.7210 direct | +1.415.385.3716 mobile

---

**From:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>

**Sent:** Thursday, December 29, 2022 6:26 PM

**To:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>; Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>

**Cc:** Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com); [jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com); ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>; [\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>; [\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>

**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

Hello Cameron and Miranda,

Please see the attached letter. Kind regards,

**Jacob Canter**

Pronouns: he/him/his

Crowell & Moring LLP

[jcanter@crowell.com](mailto:jcanter@crowell.com)

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---

**From:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>

**Sent:** Wednesday, November 23, 2022 3:36 PM

**To:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>

**Cc:** Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com); [jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com); ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>; [\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>; [\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>

**Subject:** Re: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

External Email

Thanks, Dalton. Thursday works.

Have a nice Thanksgiving.

**Cameron Ginder**

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F +1 312 862 2200

[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)

On Nov 23, 2022, at 3:05 PM, Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)> wrote:

Cameron,

We are available from 11:30-2:30 PT Thursday Dec. 1st, and 10:30-12 PT Friday Dec. 2nd.

Thank you,  
Dalton

**Dalton Kyle Hughes**

Pronouns: he/him/his

Crowell & Moring LLP

[dhughes@crowell.com](mailto:dhughes@crowell.com)

+1.312.840.3253 direct | +1.615.426.7320 mobile

---

**From:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>

**Sent:** Tuesday, November 22, 2022 8:22 PM

**To:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com); [jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com)

**Cc:** ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>; [dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>; [bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>

**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

External Email

Dalton/Joachim - Please see attached.

We are not available to meet and confer at the times you mentioned below. Please let us know your availability on Thursday and Friday of next

week.

Thanks,  
Cameron

**Cameron Ginder**

**KIRKLAND & ELLIS LLP**

300 North LaSalle, Chicago, IL 60654

**T** +1 312 862 3757 **M** +1 260 414 9744

**F** +1 312 862 2200

[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)

---

**From:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>

**Sent:** Monday, November 21, 2022 2:06 PM

**To:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com); [jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com)

**Cc:** ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>;

[\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>;

[\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>

**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

Cameron,

We have still not received a response to our November 7, 2022 letter regarding Plaintiffs' responses to our RFPs. Please provide your availability to meet and confer on Monday or Tuesday of next week. We are available at 10:30 AM PT, 2:00 PM PT, and 4:00 PM PT on Monday, November 28; and 9:30 AM PT, 12:00 PM PT, and 3:00 PM PT on Tuesday, November 29.

Best regards,  
Dalton

**Dalton Kyle Hughes**

Pronouns: he/him/his

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---

**From:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>

**Sent:** Tuesday, November 15, 2022 8:22 AM

**To:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com); [jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com)  
**Cc:** ROSS Lit Team <[RossLitteam@crowell.com](mailto:RossLitteam@crowell.com)>; [\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>; [\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>  
**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

External Email

Dalton - We are preparing a written response to your letter.

Thanks,  
Cameron

**Cameron Ginder**

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**F** +1 312 862 2200

[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)

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**From:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>  
**Sent:** Monday, November 14, 2022 3:05 PM  
**To:** Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com); [jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com)  
**Cc:** ROSS Lit Team <[RossLitteam@crowell.com](mailto:RossLitteam@crowell.com)>; [\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>; [\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>  
**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs' Responses to RFPs 182-233

Counsel,

Please let us know Plaintiffs' positions on the RFPs in the letter sent below. If Plaintiffs will not produce the documents as requested, then let us know your availability to meet and confer as to these requests.

Best regards,  
Dalton

## Dalton Kyle Hughes

Pronouns: he/him/his

Crowell & Moring LLP

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---

**From:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>

**Sent:** Monday, November 7, 2022 2:58 PM

**To:** Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>; #Thomson-Ross  
<[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com);  
[jblumenfeld@morrisnichols.com](mailto:jblumenfeld@morrisnichols.com)

**Cc:** ROSS Lit Team <[Rosslitteam@crowell.com](mailto:Rosslitteam@crowell.com)>;  
[\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>;  
[\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>

**Subject:** Thomson Reuters et al v ROSS Intelligence Inc | Ltr re Plaintiffs'  
Responses to RFPs 182-233

Counsel,

Please see the attached letter.

Best regards,  
Dalton

## Dalton Kyle Hughes

Pronouns: he/him/his

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Suite 3600

Chicago, IL 60611

## Crowell

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# **EXHIBIT C**





Shira Liu  
SLiu@crowell.com  
(949) 798-1325 direct

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3 Park Plaza  
20th Floor  
Irvine, CA 92614  
+1.949.263.8400 main  
+1.949.263.8414 fax

February 7, 2023

***VIA EMAIL***

Vanessa Barsanti  
KIRLAND & ELLIS LLP  
300 North LaSalle  
Chicago, IL 60654  
[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)

Re: *Thomson Reuters Enterprise Centre GMBH et al. v. ROSS Intelligence Inc.*  
Case No. 20-613-LPS (D. Del.)

Dear Ms. Barsanti:

I write regarding Plaintiffs' search term and custodian proposal. As you know, discovery in this case is ongoing and ROSS has not yet received any documents in response to its counterclaim RFPs. For example, ROSS has not received any organizational charts despite Plaintiffs' agreement on October 20, 2022 to "produce a current organizational chart for Thomson Reuters and West." Plaintiffs' R&OS to ROSS's First Set of Counterclaim RFPs at No. 228. Therefore, ROSS reserves the right to adjust the positions communicated in this letter as discovery continues and ROSS learns additional facts.

### **1. Search Terms**

In the attached excel document and corresponding PDF, I include ROSS's counterproposals for the search strings you proposed on February 1. These are listed in Column K, which we labeled "Counterproposal." The blank entries in Column K for strings 2, 3, 8, 10, and 17 indicate that those are acceptable to us. In cells K32 and K33 we have also proposed additional search terms for RFP 231.

Our responses in Column K assume that the hits for each string will be reviewed for all RFPs (other than the two we propose for RFP 231). If that assumption is not accurate, we request to meet and confer on which RFPs will be reviewed for which string and reserve the right to further edit these proposals.

### **2. Unaddressed RFPs**

It appears to ROSS that the February 1 search string proposal does not address the following RFPs: Nos. 182-85, 187, 190, 192, 193-94, 198, 206-07, 210-13, 216-18, 221-22, 229-30, 232-



Vanessa Barsanti  
 Thomson Reuters v. ROSS  
 February 7, 2023

33. Please confirm how Plaintiffs intend to identify documents responsive to each of these RFPs.

### 3. Custodians

On January 25, 2023 you provided information regarding the eight custodians you propose to include.<sup>1</sup> These eight are insufficient for Plaintiffs to respond to the RFPs addressed by your proposed search terms.<sup>2</sup>

**First**, RFP Nos. 188<sup>3</sup>, 189<sup>4</sup>, 191<sup>5</sup>, 195<sup>6</sup>, and 208<sup>7</sup> seek documents and communications related to how pricing decisions regarding the Westlaw platform and products within the platform are made, including communications directly with customers and potential customers. However, based on the titles of the custodians proposed it does not appear that the eight current custodians are primarily responsible for communications directly with customers or potential customers. We know from documents which have been produced in this litigation that “Account Managers,” (see e.g., TR-0001764) “Inside Account Managers,” (see e.g., TR-0002010) and “Senior Account Executives” (see e.g., TR-0001933) typically communicate directly with customers, and none of the proposed custodians hold these titles. If Plaintiffs store communications with customers in a database, running the searches in this database may also contain responsive documents, although we suspect that this database would not be comprehensive enough to capture internal communications related to those external communications. Moreover, documents produced in this litigation indicate that “Account Executives” have authority over pricing offers that can be made to customers. *See* TR-0001788. Other documents produced in this litigation reflect the same—for example, the Sales Policies and Procedures document which Plaintiffs produced indicates that “Sales Professionals” may make decisions about pricing based on the “promotion document,” and should consider factors such as

<sup>1</sup> The eight proposed are: Andrew Martens, Erik Lindberg, Mark Hoffman, Christine Post, Dustin Cripe, Thomas Leighton, and Mike Dahn.

<sup>2</sup> As noted above, Plaintiffs have not proposed terms for many of the RFPs for which it has agreed to produce documents. This Section responds only to Plaintiffs’ February 1, 2023 proposal regarding RFP Nos. 186, 188-89, 191, 195-97, 199-205, 208-09, 214-15, 219-20, 223-27, and 231.

<sup>3</sup> ALL DOCUMENTS and COMMUNICATIONS RELATED TO pricing the WESTLAW PLATFORM for PERSONS to license, INCLUDING plans, strategies, manuals, policies, analyses, memoranda, price lists, and guides for pricing the WESTLAW PLATFORM, including documents related to pricing by CUSTOMER SEGMENT and documents related to pricing decision-making.

<sup>4</sup> ALL DOCUMENTS and COMMUNICATIONS RELATED TO pricing the WESTLAW PLATFORM for PERSONS to license, INCLUDING documents related to pricing by CUSTOMER SEGMENT.

<sup>5</sup> ALL DOCUMENTS and COMMUNICATIONS RELATED TO the DISCOUNTS that PERSONS can or do receive when licensing the WESTLAW PLATFORM, including broken out by CUSTOMER SEGMENT.

<sup>6</sup> “ALL COMMUNICATIONS with customers or potential customers RELATED TO the terms of YOUR AGREEMENTS, including pricing.”

<sup>7</sup> ALL DOCUMENTS analyzing responses by YOUR customers, including by CUSTOMER SEGMENT, to actual or potential changes in pricing to any element of the WESTLAW PLATFORM.



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“discount maximums” when making offers. *See* TR-0908708 at 5. None of the custodians that Plaintiffs have chosen hold Account Executive positions or otherwise appear to be “Sales Professionals” and thus it appears that none would be a primary source of documents or communications related to the “on the ground” decision-making about subscription offers. Therefore, we request that Plaintiffs add new custodians and a comprehensive customer communications database, if applicable, for the following search strings: 001, 016, 017, 018, 019.

**Second**, communications directly with customers or potential customers are responsive to RFP No. 231.<sup>8</sup> However, again, it does not appear that the proposed custodians are primarily responsible for communications directly with customers or potential customers – we expect that this would be within the roles of “Account Managers,” “Inside Account Managers,” and “Senior Account Executives,” and that a customer communications database may also contain responsive documents. Therefore, we request that Plaintiffs add new custodians and a comprehensive customer communications database, if applicable, for the following search strings: 010, 011, 022, as well as the two additional search strings proposed by ROSS for RFP 231.

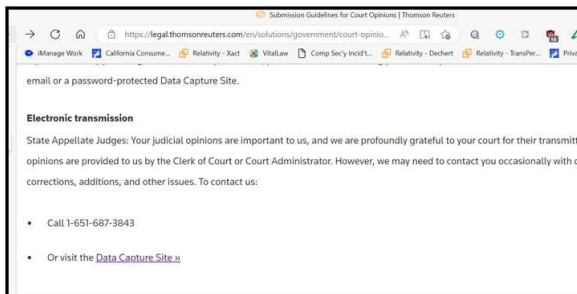
**Third**, RFP Nos. 196 and 197 seek documents and communications related to customers’ opinions or preferences regarding the Westlaw platform and the products which make up the platform. Based on documents which have been produced in this litigation, we know that there are “team” and “support” email lists that contain information about the preferences, opinions, or requests of customers. *See e.g.*, TR-0001887 (reflecting the “Corporate Support Team” email list); TR-0001901 (same); TR-0002573 (same); TR-0002406 (reflecting the “Customer Service” email list); TR-0002626 (reflecting the “Legal Customer Support” email list). From the documents that we have reviewed, we understand that personnel who directly communicate with customers or potential customers will sometimes send questions to these general email lists to have questions answered. None of the custodians that Plaintiffs have chosen include the team or support email lists. There may also be a central file for surveys, market studies or research reports. Therefore, we request that Plaintiffs add new custodians to cover the team and/or support email lists for Westlaw customers as well as any relevant central files for the following strings: 001.

<sup>8</sup> DOCUMENTS RELATED TO each instance in which any entity requested a change to the TERMS OF SERVICES YOU require for access to the WESTLAW PLATFORM, including all instances in which any entity did not agree to the TERMS OF SERVICES and were not granted access to the WESTLAW PLATFORM.



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**Fourth**, RFP Nos. 219<sup>9</sup> and 227<sup>10</sup> seek documents related to obtaining judicial opinions. Based on the titles of the custodians proposed it does not appear that the eight current custodians are primarily responsible for responsive documents. If Plaintiffs store transmissions from the “Data Capture Site” pictured below in a database we believe that database would also contain responsive information.



Therefore, we request that Plaintiffs add new custodians which would possess documents and communications related to making decisions about subscription offers available for customers and potential customers as well as the database referenced above for the following strings: 009, 020.

### **Time Period**

On January 24, 2023, my colleague Jacob Canter provided you with a document entitled “ROSS’s Temporal Limit Counterproposals for the First Set of Counterclaim Requests” that included the RFPs for which we propose a search of documents from before 2015 within Plaintiffs’ custody and control as well as edits to Plaintiffs’ proposal for pre-2015 documents. During our January 25 meet and confer, you indicated that you would respond but that your client was out of the country that week. We have not heard any response since. Please be prepared for a final position at our next meet and confer, including substantiating any assertions of burden.

\* \* \*

<sup>9</sup> ALL DOCUMENTS and COMMUNICATIONS RELATING TO acquiring, licensing, or obtaining PUBLIC LAW DATABASES or the content therein, such as judicial opinions, INCLUDING AGREEMENTS and COMMUNICATIONS with the licensors or providers of such content

<sup>10</sup> ALL DOCUMENTS and COMMUNICATIONS RELATED TO YOUR “Opinion Submission Guidelines” that are available to be accessed at the following website address:  
<https://legal.thomsonreuters.com/en/solutions/government/court-opinion-submission-guidelines>.



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ROSS looks forward to continuing the meet and confer process with Plaintiffs. Please let us know if you are available tomorrow at 11:30-1:30 PT or Thursday 12-3 PT to discuss these issues.

Sincerely,

/s/ *Shira Liu*  
Shira Liu

Enclosure



Shira Rebecca Liu  
SLiu@crowell.com  
(949) 798-1325 direct

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+1.949.263.8414 fax

February 14, 2023

***VIA EMAIL***

Vanessa Barsanti  
KIRLAND & ELLIS LLP  
300 North LaSalle  
Chicago, IL 60654  
[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)

Re: *Thomson Reuters Enterprise Centre GMBH et al. v. ROSS Intelligence Inc.*  
Case No. 20-613-LPS (D. Del.)

Dear Ms. Barsanti:

I write in response to the letter you sent this past Friday, February 10<sup>th</sup>.

**1. Search Terms**

First, I write to correct your assertion that “it took ROSS over two and a half weeks to propose search terms.” On January 24, Plaintiffs provided ROSS with proposed search strings, and then provided updated strings on January 25. The January 25 proposal included 22 search strings with a “general road map to show which term satisfies which RFP(s).” Reviewing all of these search strings in conjunction with the RFPs took many attorney hours. As ROSS was finalizing a response to this proposal, Plaintiffs followed up with a new set of search terms on February 1 in which Plaintiffs narrowed many of the strings they had already proposed. This new proposal rendered useless many of the hours of work invested by ROSS in Plaintiffs’ January 25 proposal. ROSS then reinvested in the new search terms and provided a comprehensive response in less than a week.

Please see the Appendix to this letter for ROSS’s responses regarding search strings. As you can see, of the eight strings that Plaintiffs did not agree to run, ROSS agrees to drop four, and has proposed modifications to its counterproposal for the remaining four. ROSS is available to meet and confer on these strings if needed.

**2. Unaddressed RFPs**

My February 7 letter noted that your search string proposal does not address the following RFPs: Nos. 182-85, 187, 190, 192, 193-94, 198, 206-07, 210-13, 216-18, 221-22, 229-30, 232-33, and asked you to confirm how Plaintiffs intend to identify documents responsive to



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each of these RFPs. Your February 10 letter did not explain how any of these RFPs are addressed by the search strings you propose or any RFPs to which Plaintiffs plan to respond with documents identified outside of the search string process under negotiation.

For example, RFP 182 requests “DOCUMENTS sufficient to show revenue from the sale, distribution, or license of the WESTLAW PLATFORM, separately broken out for revenue attributed to PUBLIC LAW DATABASES and LEGAL SEARCH TOOLS, and by CUSTOMER SEGMENT.” Plaintiffs’ October 20, 2022 Responses and Objections to ROSS’s First Set of Counterclaim Requests for Production state: “Plaintiffs state that they will produce documents sufficient to show gross revenue from the sale, distribution, or license of the Westlaw Platform as they are kept in the ordinary course of business.” ROSS considered this offer sufficient, and therefore has not engaged in any negotiation regarding this RFP. However, RFP 182 was not listed in Plaintiffs’ January 25 “general road map to show which term satisfies which RFP(s),” and ROSS does not expect any of the search strings proposed by Plaintiffs to capture this information (nor have Plaintiffs have not provided information indicating that the proposed custodians are likely to have the offered information within their files). Plaintiffs have not communicated a plan to identify these documents through another process, such as pulling from accounting records.

If Plaintiffs believe that any of their proposed search strings will capture any of the RFPs listed in my February 7 letter, or have a plan to identify documents for any of these RFPs outside of the search string process, please provide that information before our next meet and confer. If not, ROSS will bring to the Court’s attention that the proposed process is inadequate.

### **3. Custodians**

Your February 10 letter also responded to ROSS’s request that Plaintiffs include additional custodians in order to respond to the existing discovery requests. *See* Feb. 10 Ltr, at 2-4. As part of the response, the letter appended eight exhibits. ROSS responds as follows:





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**First**, RFPs 188<sup>1</sup>, 189<sup>2</sup>, 191<sup>3</sup>, 195<sup>4</sup>, 208<sup>5</sup>, and 231<sup>6</sup> request communications with customers. In my February 7 letter, I explained that the proposed custodians were inadequate because none of them appear “primarily responsible for communications directly with customers or potential customers.” See Feb. 7 Ltr, at 2, 3. Your February 10 letter and the attached exhibits do not abate this concern. The exhibits do not demonstrate that the eight custodians you propose regularly engage in direct communications with customers or are primarily responsible for these communications. The exhibits instead appear to reflect that the custodians only possess direct communications with customers sporadically, which is not adequate for ROSS’s purposes. For example, the only exhibits which contain direct communications with or statements from customers are Exhibits 4, 5, 6, and 8. But none of the custodians actually participate in the communications directly with the customer in these Exhibits. None of the custodians appear on Exhibits 4, 6, or 8 at all so it is unclear to us why these documents would be produced under Plaintiffs’ current proposal, why any of the custodians were aware of these documents, or why the custodians (if they were aware of these documents) would have access to them through the normal course of business. On exhibit 5, the custodian Bridgett You is only forwarded the correspondence at the end and does not have any direct customer communications. Moreover, the document does not reflect that Ms. You normally is sent emails like this which relate to customer requests. Instead, the email subject line states “\*High Priority\*” which suggests that this is not a type of email that Ms. You typically receives.

At our next meet and confer, please be ready to confirm whether Plaintiffs maintain a database with customer communications. Please also be ready to confirm whether Plaintiffs will add this database, if applicable, and/or additional custodians that will cover the direct communications with customers sought by RFPs 188, 189, 191, 195, 208, and 231. Otherwise, court intervention will be necessary.

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<sup>1</sup> ALL DOCUMENTS and COMMUNICATIONS RELATED TO pricing the WESTLAW PLATFORM for PERSONS to license, INCLUDING plans, strategies, manuals, policies, analyses, memoranda, price lists, and guides for pricing the WESTLAW PLATFORM, including documents related to pricing by CUSTOMER SEGMENT and documents related to pricing decision-making.

<sup>2</sup> ALL DOCUMENTS and COMMUNICATIONS RELATED TO pricing the WESTLAW PLATFORM for PERSONS to license, INCLUDING documents related to pricing by CUSTOMER SEGMENT.

<sup>3</sup> ALL DOCUMENTS and COMMUNICATIONS RELATED TO the DISCOUNTS that PERSONS can or do receive when licensing the WESTLAW PLATFORM, including broken out by CUSTOMER SEGMENT.

<sup>4</sup> ALL COMMUNICATIONS with customers or potential customers RELATED TO the terms of YOUR AGREEMENTS, including pricing.

<sup>5</sup> ALL DOCUMENTS analyzing responses by YOUR customers, including by CUSTOMER SEGMENT, to actual or potential changes in pricing to any element of the WESTLAW PLATFORM.

<sup>6</sup> DOCUMENTS RELATED TO each instance in which any entity requested a change to the TERMS OF SERVICES YOU require for access to the WESTLAW PLATFORM, including all instances in which any entity did not agree to the TERMS OF SERVICES and were not granted access to the WESTLAW PLATFORM.





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**Second**, Plaintiffs have agreed to produce documents reflecting communications with potential customers. See e.g., RFP Nos. 188, 189, 191, 195, 208, 231. The February 7 letter raised this as a potential concern. See Feb. 7 Ltr, at 2 (stating that the RFPs seek “communications with customers and potential customers” and that “it does not appear that the eight current custodians are primarily responsible for communications directly with customers or potential customers”); *id.* at 2 (“communications directly with . . . potential customers are responsive to RFP No. 231” but “it does not appear that the proposed custodians are primarily responsible for communications directly with . . . potential customers”). But none of the exhibits reflect communications directly or indirectly with potential customers that did not actually enter into a contract with Plaintiffs.

At our next meet and confer, please be ready to confirm whether Plaintiffs will add a communications database, if applicable, and/or additional custodians that will cover the information sought. Otherwise, court intervention will be necessary.

**Third**, Exhibits 1 through 3 appear to be automated emails that reflect a form called Apptus that lower-ranking employees filled out in order to obtain approval from higher-ranking employees. The Apptus form appears to include text-boxes that can be filled out and, when filled out, contain information responsive to ROSS’s requests. Compare e.g., Exhibits 1-3 (reflecting the following text-boxes that can be filled out: “Approver Comments”; “Comments from Sales”; “Approval Request Comments”) with Request Nos. 188, 189, 190<sup>7</sup>, 191, 192<sup>8</sup>, 193<sup>9</sup>, 195, 199<sup>10</sup>, 200<sup>11</sup>, 201<sup>12</sup>, 202<sup>13</sup>, 208, 214<sup>14</sup>, 224<sup>15</sup>, 231.

Therefore, in response to Request Nos. 188, 189, 191, 192, 193, 195, 199, 200, 201, 202, 208, 224, 231, ROSS requests that all Apptus forms that have been generated in relation to a

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<sup>7</sup> DOCUMENTS RELATED TO how you define or use CUSTOMER SEGMENTS and the number of users and/or seats per CUSTOMER SEGMENT.

<sup>8</sup> ALL DOCUMENTS and COMMUNICATIONS RELATING TO requests to purchase, license, or access the PUBLIC LAW DATABASES that are available on the WESTLAW PLATFORM.

<sup>9</sup> ALL DOCUMENTS and COMMUNICATIONS RELATING TO requests to purchase, license, or access the LEGAL SEARCH TOOLS that are available on the WESTLAW PLATFORM.

<sup>10</sup> ALL DOCUMENTS and COMMUNICATIONS RELATED TO strategies and/or plans for the sale, distribution, or license of the WESTLAW PLATFORM.

<sup>11</sup> ALL DOCUMENTS and COMMUNICATIONS RELATED TO strategies and/or plans for the sale, distribution, or license of the LEGAL SEARCH TOOLS.

<sup>12</sup> ALL DOCUMENTS and COMMUNICATIONS RELATED TO strategies and/or plans for the sale, distribution, or license of the PUBLIC LAW DATABASES.

<sup>13</sup> ALL DOCUMENTS and COMMUNICATIONS RELATED TO strategies and/or plans for the sale, distribution, or license of the LEGAL SEARCH PLATFORMS.

<sup>14</sup> ALL DOCUMENTS and COMMUNICATIONS RELATED TO YOUR decision to not license access to the WESTLAW PLATFORM to a COMPETITOR or potential COMPETITOR.

<sup>15</sup> ALL DOCUMENTS and COMMUNICATIONS RELATED TO any decision whether or not to license, sell, or distribute judicial opinions online independent of the WESTLAW PLATFORM.



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sales request regarding the Westlaw platform be produced.<sup>16</sup> At our next meet and confer, please also be prepared to explain the Apptus system, including its ordinary course usages, search capabilities, and temporal coverage.

***Finally***, none of the exhibits reflect, as communicated in your February 10 letter, that Mr. Leighton has direct communications with personnel that work for government entities and make judicial opinions available to Plaintiffs. Thus, while I understand that Mr. Leighton holds a Vice President role in regards to content acquisition, that does not explain whether he is “primarily responsible” for obtaining judicial opinions. Rather, based on the fact that Mr. Leighton stated in his deposition that he “supervis[es] the content acquisition group,” it appears that he in fact is not primarily responsible for obtaining judicial opinions.

Nonetheless, ROSS would agree to withdraw its request for Plaintiffs to include additional custodians that are primarily responsible for obtaining judicial opinions if Plaintiffs confirm that Mr. Leighton has regular and direct communications with personnel that work for government entities and make judicial opinions available to Plaintiffs.

#### **4. Relevant Time Period**

After ROSS provided Plaintiffs on January 24 with a detailed proposal on time periods at Plaintiffs’ invitation, we did not hear any substantive response. In my February 7 letter, I asked that Plaintiffs be prepared for a final position at the Parties’ next meet and confer, including substantiating any assertions of burden. In your February 10 letter, you requested caselaw substantiating ROSS’s position. However, during our phone call yesterday you let me know that Plaintiffs do not intend to engage any further on this issue and that ROSS should seek relief from the Court. Accordingly, ROSS intends to seek Court intervention on this issue. In the meantime, I write to correct your characterization of this case as an “antitrust dispute[] with a single claim.” ROSS is seeking discovery under, inter alia, its claims under Sections One and Two of the Sherman Act as well as California’s Unfair Competition Law.

Sincerely,

/s/ Shira Liu

Shira Liu

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<sup>16</sup> If the Apptus forms contain information about potential customers that did not enter into contract with Plaintiffs, then the production of these forms would also address ROSS’s concern that none of the custodians appear to possess such documents. The production of Apptus forms with filled-in information from pre-2015 could also potentially address the ongoing dispute regarding temporal limitations, though we do not know for how long these forms have been used by Plaintiffs for sales purposes.

# **EXHIBIT D**

**From:** [Canter, Jacob](#)  
**To:** [Ginder, Cameron](#); [Means, Miranda](#); [#Thomson-Ross](#); [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com)  
**Cc:** [ROSS-AT Team](#); [\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1); [\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com); [Brown, Andrew L.](#)  
**Subject:** West v ROSS | List of Custodians  
**Date:** Wednesday, March 29, 2023 1:13:40 PM

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**This message is from an EXTERNAL SENDER**

Be cautious, particularly with links and attachments.

Dear Cameron:

We write regarding the production of additional discovery in light of the Tuesday, March 28 ruling by the Court.

First, please let us know the list of custodians you will query as a result of Tuesday's discovery order. The ruling has made the current custodian list untenable. Please also confirm you will expand your current custodian list with these individuals for the documents and searches you have already produced in line with the above.

Second, even prior to Tuesday's discovery order, Plaintiffs' list of custodians was inadequate as it did not capture all relevant individuals with discoverable information. The following custodians were not queried although their names appear on a large number of relevant documents, indicating that those custodians must possess relevant information—or their names appear on important relevant documents, indicating that they must possess important relevant documents. Please produce documents with these individuals under current searches and for all new relevant time periods as outlined above.

1. David Curle
2. Kati Katzenmeyer
3. Bob Biancamano
4. Andrea Seitz
5. Audrey Zhang
6. Lauren Sazenski
7. Mark Hoerr
8. Vinod Kumar
9. Rachel Vesely
10. Aimee Doles
11. Jenny Deutsch
12. Ben Davis
13. Eric Gleason
14. Maria Redmond
15. Joe Dvorkin
16. David Curle
17. [legalmarketingleadership@thomson.com](mailto:legalmarketingleadership@thomson.com)

Third, please let us know when Plaintiffs will be producing documents consistent with the Court's Tuesday order and the additional custodians referenced above. Please provide a date certain on when the documents will be produced. If you do not provide us a date certain within the week, we will need to go to the Court to request a date certain due to the impending discovery deadline.

Regards,

**Jacob Canter**

Pronouns: he/him/his

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# **EXHIBIT E**

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**From:** Barsanti, Vanessa  
**Sent:** Friday, April 14, 2023 11:18 AM  
**To:** Canter, Jacob  
**Cc:** Steinberg, Joachim; Poueymirou, Margaux; Ginder, Cameron; Means, Miranda; #Thomson-Ross; mflynn@morrisnichols.com; Liu, Shira; ROSS-AT Team; \*dmoore@Potteranderson.com1; Ramsey, Gabriel; Laytin, Daniel E.; \*bpalapura@potteranderson.com; Brown, Andrew L.  
**Subject:** Re: West v ROSS | List of Custodians

Apologies for the misunderstanding. I did not appreciate that you were asking about the new custodians. It is hard to see how we could be at impasse on the production date for the new custodians given that the parties (i) just reached agreement yesterday on these parameters; and (ii) never previously discussed a projected timeline for those documents. In any event, we will make every effort to produce the newly agreed upon materials by May 11th.

**Vanessa Barsanti**

She/Her/Hers

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[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)

On Apr 13, 2023, at 7:36 PM, Canter, Jacob <JCanter@crowell.com> wrote:

**This message is from an EXTERNAL SENDER**

Be cautious, particularly with links and attachments.

Hi Vanessa,

Thank you for the email. We understood your response on the conferral to refer only to the pre-2015 documents from the existing custodians but not also from the additional custodians. Are Plaintiffs stating that they will produce all documents from all custodians under the timeline you have described below?

**Jacob Canter**

Pronouns: he/him/his

Crowell & Moring LLP

[jcanter@crowell.com](mailto:jcanter@crowell.com)

+1.415.365.7210 direct | +1.415.385.3716 mobile

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**From:** Barsanti, Vanessa <vanessa.barsanti@kirkland.com>

**Sent:** Thursday, April 13, 2023 4:37 PM

**To:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>; Steinberg, Joachim <[JSteinberg@crowell.com](mailto:JSteinberg@crowell.com)>; Poueymirou, Margaux <[MPoueymirou@crowell.com](mailto:MPoueymirou@crowell.com)>

**Cc:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; mflynn@morrisnichols.com; Liu, Shira <[SLiu@crowell.com](mailto:SLiu@crowell.com)>; ROSS-AT Team <[ROSS-ATTeam@crowell.com](mailto:ROSS-ATTeam@crowell.com)>; \*dmoore@Potteranderson.com1 <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>; Ramsey, Gabriel <[GRamsey@crowell.com](mailto:GRamsey@crowell.com)>; Laytin, Daniel E. <[dlaytin@kirkland.com](mailto:dlaytin@kirkland.com)>; \*bpalapura@potteranderson.com <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>; Brown, Andrew L. <[abrown@potteranderson.com](mailto:abrown@potteranderson.com)>

**Subject:** RE: West v ROSS | List of Custodians

External Email

Jacob,

Thank you for confirming ROSS's agreement on this compromise. Thomson Reuters is and has been working cooperatively with ROSS to design a reasonable search of documents, subject to Thomson Reuters' responses and objections to written discovery, and further modifications/agreements made through the parties various meet and confers and correspondence. Thomson Reuters does not agree that any further requests for additional terms or custodians is appropriate.

As to a date certain for production, I can't recall - were you not on the parties' meet and confer a couple of days ago? Joachim and I discussed TR's production of pre-2015 documents for the first round of agreed-to custodians and I confirmed we'd be making a production of around 30,000-40,000 documents this week, and we would use best efforts to produce the remaining documents next week, but it might trickle into the following week. ROSS did not express concern with this. What is the impasse?

**Vanessa Barsanti**

She/Her/Hers

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**KIRKLAND & ELLIS LLP**

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T +1 312 862 2205

F +1 312 862 2200

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[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)

---

**From:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>

**Sent:** Thursday, April 13, 2023 2:12 PM

**To:** Barsanti, Vanessa <[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)>; Steinberg, Joachim <[JSteinberg@crowell.com](mailto:JSteinberg@crowell.com)>; Poueymirou, Margaux <[MPoueymirou@crowell.com](mailto:MPoueymirou@crowell.com)>

**Cc:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; mflynn@morrisnichols.com; Liu, Shira <[SLiu@crowell.com](mailto:SLiu@crowell.com)>; ROSS-AT Team <[ROSS-ATTeam@crowell.com](mailto:ROSS-ATTeam@crowell.com)>; \*dmoore@Potteranderson.com1 <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>; Ramsey, Gabriel <[GRamsey@crowell.com](mailto:GRamsey@crowell.com)>; Laytin, Daniel E. <[dlaytin@kirkland.com](mailto:dlaytin@kirkland.com)>; \*bpalapura@potteranderson.com <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>; Brown, Andrew L. <[abrown@potteranderson.com](mailto:abrown@potteranderson.com)>

**Subject:** RE: West v ROSS | List of Custodians

Thank you for the email. We agree to your proposal regarding custodians. However, ROSS needs Plaintiffs to affirm in writing that this counterproposal is the result of their reasonable search for documents responsive to the requests in Counterclaim RFP Sets 1, 2, and 3. In addition, ROSS reserves



the right to seek additional documents that are responsive to the requests based either on the use of additional search terms or the identification of additional custodians.

Separately, we have asked that Plaintiffs provide a date certain for production. We believe we have reached an impasse and will need to raise that issue with the Court. Finally, in light of what we view to be a vastly larger production of documents, we propose that the current schedule be modified. We will provide a proposal tomorrow.

Kind regards,

**Jacob Canter**

Pronouns: he/him/his

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---

**From:** Barsanti, Vanessa <[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)>

**Sent:** Wednesday, April 12, 2023 4:29 PM

**To:** Steinberg, Joachim <[jsteinberg@crowell.com](mailto:jsteinberg@crowell.com)>; Poueymirou, Margaux <[MPoueymirou@crowell.com](mailto:MPoueymirou@crowell.com)>

**Cc:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>; Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com); Liu, Shira <[SLiu@crowell.com](mailto:SLiu@crowell.com)>; ROSS-AT Team <[ROSS-ATTeam@crowell.com](mailto:ROSS-ATTeam@crowell.com)>; [\\*dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)1 <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>; Ramsey, Gabriel <[GRamsey@crowell.com](mailto:GRamsey@crowell.com)>; Laytin, Daniel E. <[dlaytin@kirkland.com](mailto:dlaytin@kirkland.com)>; [\\*bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>; Brown, Andrew L. <[abrown@potteranderson.com](mailto:abrown@potteranderson.com)>

**Subject:** RE: West v ROSS | List of Custodians

External Email

All,

As I relayed to Margaux over the phone before hopping on a flight, Thomson Ross is willing to offer what it considers a more than fair and reasonable compromise with respect to this custodian dispute.

TR is willing to collect and produce responsive non-privileged emails utilizing the prior agreed to search terms from all of the requested custodians with only 2 exceptions, detailed below. TR reserves the right to work with ROSS to amend those search terms, or address irrelevant time periods for individual custodians, to the extent they prove burdensome or otherwise fail to be narrowly tailored to responsive information within these custodians' files.

Bob Biancamano

ROSS expressed interest in Mr. Biancamano given his work on Project Indigo. As ROSS itself indicated, Mr. Biancamano's work on Project Indigo overlapped with Kati Katzenmeyer's. I spoke with Ms. Katzenmeyer, and she confirmed that she directed Mr. Biancamano's market research work on the project. As such, we believe his information would be largely duplicative, and therefore collecting and producing his information would be unreasonably burdensome/disproportionate to its value.

Andrea Seitz

ROSS expressed interest in Ms. Seitz due to her role in competitive intelligence research. I spoke with Christine Post, the Senior Director of Market Research & Competitive Intelligence, who confirmed that Ms. Seitz worked at her direction and that Ms. Post would have Ms. Seitz's work product. Accordingly, because Ms. Post is already an agreed to custodian, collecting and producing Ms. Seitz's communications would be largely duplicative, and therefore is unreasonably burdensome/disproportionate to its value.

For the avoidance of doubt, this would mean that subject to the above reservations re terms and time period, TR would collect and produce for the following custodians:

1. David Curle (Mr. Curle left TR prior to ROSS's assertion of claims, and his PST file is no longer available. In lieu of collecting his PST, TR would agree to search all other agreed to custodians' files for communications with Mr. Curle that hit on the agreed to search terms. I understand ROSS also requests his internal blog. I am not currently aware of whether such still exists, but will inquire regarding its availability.)
2. Kati Katzenmeyer
3. Audrey Zhang
4. Lauren Sazenski
5. Mark Hoerr
6. Vinod Kumar
7. Rachel Vesely
8. Aimee Doles
9. Jenny Deutsch
10. Ben Davis
11. Eric Gleason
12. Maria Redmond
13. Joe Dvorkin
14. [legalmarketingleadership@thomson.com](mailto:legalmarketingleadership@thomson.com) - as we previously conveyed, this is simply a listserv. We agree to add this email address as a search term.

Please let us know if this resolves the parties' dispute.

**Vanessa Barsanti**

She/Her/Hers

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[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)

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**From:** Steinberg, Joachim <[JSteinberg@crowell.com](mailto:JSteinberg@crowell.com)>

**Sent:** Tuesday, April 11, 2023 8:41 AM

**To:** Laytin, Daniel E. <[dlaytin@kirkland.com](mailto:dlaytin@kirkland.com)>; Ramsey, Gabriel <[GRamsey@crowell.com](mailto:GRamsey@crowell.com)>; Barsanti, Vanessa <[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)>

**Cc:** Poueymirou, Margaux <[MPoueymirou@crowell.com](mailto:MPoueymirou@crowell.com)>; Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>; Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com); Liu, Shira <[SLiu@crowell.com](mailto:SLiu@crowell.com)>; ROSS-AT Team <[ROSS-ATTeam@crowell.com](mailto:ROSS-ATTeam@crowell.com)>; [\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1) <[\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1)>; [\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com)>; Brown, Andrew L. <[abrown@potteranderson.com](mailto:abrown@potteranderson.com)>

**Subject:** RE: West v ROSS | List of Custodians

Daniel,

We're available at 1 pm PT/4 pm ET.

Best regards,  
Joachim

**Joachim B. Steinberg**

Pronouns: he/him/his

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[jsteinberg@crowell.com](mailto:jsteinberg@crowell.com)

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---

**From:** Laytin, Daniel E. <[dlaytin@kirkland.com](mailto:dlaytin@kirkland.com)>

**Sent:** Tuesday, April 11, 2023 7:18 AM

**To:** Ramsey, Gabriel <[GRamsey@crowell.com](mailto:GRamsey@crowell.com)>; Barsanti, Vanessa <[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)>

**Cc:** Steinberg, Joachim <[JSteinberg@crowell.com](mailto:JSteinberg@crowell.com)>; Poueymirou, Margaux

<[MPoueymirou@crowell.com](mailto:MPoueymirou@crowell.com)>; Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>; Ginder, Cameron

<[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>; #Thomson-Ross

<[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com); Liu, Shira <[SLiu@crowell.com](mailto:SLiu@crowell.com)>; ROSS-AT

Team <[ROSS-ATTeam@crowell.com](mailto:ROSS-ATTeam@crowell.com)>; \*[dmoore@Potteranderson.com1](mailto:dmoore@Potteranderson.com1)

<[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>; \*[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)

<[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>; Brown, Andrew L. <[abrown@potteranderson.com](mailto:abrown@potteranderson.com)>

**Subject:** RE: West v ROSS | List of Custodians

External Email

Gabriel:

Your email contains numerous inflammatory accusations and allegations against our team and our client:

1. Our client has not violated the "public interest in a breathtakingly harmful and persistent way."
2. Neither our team nor our client "has been suppressing and hiding evidence."
3. No one on our team has engaged in any violations of any of our duties as lawyers.
4. Neither our team nor our client has engaged in any "obfuscation."
5. Neither our team nor our client has failed to conduct any "proper engagement" in this meet and confer.
6. None of our team's actions in this meet and confer call into question any of her or his "professional responsibilities."

These accusations are baseless and inappropriate.

In addition, your threat of "sanctions" and vague reference to "decisions" regarding our team's "professional responsibilities" are similarly inappropriate.

Please retract each of your statements by email this morning.

Our clients have a dispute, which we have been and will continue to resolve in a professional way.

Given the current situation, I would like to participate in the meet and confer on the underlying discovery issue. I am unavailable at the scheduled time of noon eastern so we will need to reschedule.

Our whole team is available today between 2:30 and 4 and between 4 and 5, both eastern.

Please advise as to your team's availability during those time periods.

Thanks,

Dan

**Daniel E. Laytin**

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[daniel.laytin@kirkland.com](mailto:daniel.laytin@kirkland.com)

---

**From:** Ramsey, Gabriel <[GRamsey@crowell.com](mailto:GRamsey@crowell.com)>

**Sent:** Monday, April 10, 2023 9:21 PM

**To:** Barsanti, Vanessa <[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)>

**Cc:** Steinberg, Joachim <[JSteinberg@crowell.com](mailto:JSteinberg@crowell.com)>; Poueymirou, Margaux

<[MPoueymirou@crowell.com](mailto:MPoueymirou@crowell.com)>; Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>; Ginder, Cameron

<[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>; #Thomson-Ross

<[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com); Liu, Shira <[SLiu@crowell.com](mailto:SLiu@crowell.com)>; ROSS-AT

Team <[ROSS-ATTeam@crowell.com](mailto:ROSS-ATTeam@crowell.com)>; \*[dmoore@Potteranderson.com1](mailto:dmoore@Potteranderson.com1)

<[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>; \*[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)

<[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>; Brown, Andrew L. <[abrown@potteranderson.com](mailto:abrown@potteranderson.com)>

**Subject:** Re: West v ROSS | List of Custodians

Vanessa,

Greetings. We haven't had the pleasure of engaging and I am sorry to have to interrupt your evening. This is a very important matter where your client has injured the public interest in a breathtakingly harmful and persistent way. I hope your team understands that. We are aware that your client has been suppressing and hiding evidence. We understand that you are acting at their direction, so the ultimate sanction will be directed there. But to avoid any further violation of your duties as a lawyer I would appreciate if you join all our our team's requests and cease obfuscation. This can begin with with proper engagement of Mr. Steinberg's request below. You are going to have to make some decisions regarding your professional responsibilities but I trust you will make the right decisions. We sincerely look forward to your response.

Sincerely,

GMR

Gabriel M. Ramsey

[gramsey@crowell.com](mailto:gramsey@crowell.com)<<mailto:GRamsey@crowell.com>>

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Collaboration Powers Success

[crowell.com](https://urldefense.com/v3/http://crowell.com/;!!MPAZj1r9Mghpww!FtFATfgwNmKkX8MhcDGOV6CMuUpbWGwvzMb3MZ235bLWeU-PJllyicoY1t2oMII20xAHw0x18BeiMuUsnRe6LQ$)<[https://urldefense.com/v3/http://crowell.com/;!!MPAZj1r9Mghpww!FtFATfgwNmKkX8MhcDGOV6CMuUpbWGwvzMb3MZ235bLWeU-PJllyicoY1t2oMII20xAHw0x18BeiMuUsnRe6LQ\\$](https://urldefense.com/v3/http://crowell.com/;!!MPAZj1r9Mghpww!FtFATfgwNmKkX8MhcDGOV6CMuUpbWGwvzMb3MZ235bLWeU-PJllyicoY1t2oMII20xAHw0x18BeiMuUsnRe6LQ$)>

On Apr 10, 2023, at 6:59 PM, Barsanti, Vanessa <[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)> wrote:

External Email

Joachim,

As to time period, it's not particularly clear to me why my representation as an officer of the court is somehow unacceptable, but the information I provided you on time period is publicly available and in many cases substantiated by the hundreds of thousands of documents already produced to ROSS.

As to scheduling, I appreciate the accommodation as you put it, but I would point out that it was in fact a religious holiday weekend that many, including myself, travel for to be with loved ones. I was unavailable for a mere two business days to speak on the phone, but even in that time I worked to get you a proposed compromise by email. I understand you are ultimately going to choose to treat tomorrow as a final meet and confer, but we maintain it is premature.

Ultimately this is quite simple: if ROSS has not changed its position, then what is the compromise it is proposing?

Vanessa Barsanti

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KIRKLAND & ELLIS LLP  
300 North LaSalle, Chicago, IL 60654<x-apple-data-detectors://1/1>  
T +1 312 862 2205<<tel:+1%20312%20862%202205>>  
F +1 312 862 2200<<tel:+1%20312%20862%202200>>  
-----

[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)<<mailto:garvin.choa@kirkland.com>>

On Apr 10, 2023, at 6:36 PM, Steinberg, Joachim <[JSteinberg@crowell.com](mailto:JSteinberg@crowell.com)> wrote:

Vanessa, When we spoke last week, we indicated we could consider compromises. The one you have offered is unacceptable. That is not a change in our position. We do not agree to these time limitations because once again you are asking us to  
Vanessa,

When we spoke last week, we indicated we could consider compromises. The one you have offered is unacceptable. That is not a change in our position. We do not agree to these time limitations because once again you are asking us to take it on faith that those are the only custodians with relevant information and that those are the only time periods that matter. But Plaintiffs have an obligation to respond to our requests in full, and we are not in a position to continue to guess at what the correct custodian list or years would be, and based on the deficiencies in the last production, cannot accept your representations.

We stated last week that we would consider tomorrow's meeting a final meet and confer. We only offered to push it out to Tuesday to accommodate your travel schedule. We also pointed out that we have, throughout this litigation, agreed to delay final meet and confers only to then

face timeliness arguments from your side when we did approach the Court. If we cannot reach an agreement tomorrow, we will raise this issue with the Court.

Best regards,  
Joachim

Joachim B. Steinberg

Pronouns: he/him/his

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From: Barsanti, Vanessa <[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)>  
Sent: Monday, April 10, 2023 5:03 PM  
To: Steinberg, Joachim <[JSteinberg@crowell.com](mailto:JSteinberg@crowell.com)>; Poueymirou, Margaux <[MPoueymirou@crowell.com](mailto:MPoueymirou@crowell.com)>  
Cc: Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>; Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com); Liu, Shira <[SLiu@crowell.com](mailto:SLiu@crowell.com)>; ROSS-AT Team <[ROSS-ATTeam@crowell.com](mailto:ROSS-ATTeam@crowell.com)>; [dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)1 <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>; [bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>; Brown, Andrew L. <[abrown@potteranderson.com](mailto:abrown@potteranderson.com)>  
Subject: RE: West v ROSS | List of Custodians

External Email  
Joachim,

When we spoke last week you indicated that there would be room for compromise on the requested list of additional custodians. By way of example only, as we walked through each

custodian, you mentioned that ROSS was interested in both Kati Katzenmeyer and Bob Biancamano for their work in relation to Project Indigo, and that it was willing to compromise on one or the other. The only thing I can garner from your last note is that ROSS is demanding its full list of custodians. If that is not the case then I welcome you to clear up the issue with a counterproposal.

Further, I would like to understand ROSS's objection to the proposed time scope for the individuals included in my prior email. For Audrey Zhang, we proposed searching from April 2016 forward because that is the time frame in which she has been in Legal Customer Sales & Experience Finance. Prior to that she was a lower level financial analyst and staff accountant. Neither of which are relevant to the reason ROSS indicated it desired her emails, which as I understood it was in relation to how pricing decisions are implemented based on different market segmentations. With respect to Mark Hoerr, ROSS alleged his relevancy to be his leadership in the pricing sector and his ability to give final approval on pricing decisions. Prior to May 2016, our proposed searching start date, Mr. Hoerr was also in financial analyst positions related to contract value management. His role in strategic pricing did not begin until May 2016. Lastly, for Ben Davis, he began his tenure at Thomson Reuters selling ProDoc, which is a document automation system not at issue in this matter. ROSS indicated it was interested in him due to his role in strategy and pricing, including any work on direct sales of Westlaw. He was not an account representative until January 2012, the date at which I proposed searching his emails. These temporal issues are not limited to the three custodians listed above, but rather run deep into ROSS's proposed custodian additions. Please be prepared to discuss this issue tomorrow.

Again, we do not agree that a final meet and confer is appropriate at this time, especially in light of ROSS's change in position.

Vanessa Barsanti  
She/Her/Hers

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F +1 312 862 2200  
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[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)<<mailto:garvin.choa@kirkland.com>>

From: Steinberg, Joachim <[JSteinberg@crowell.com](mailto:JSteinberg@crowell.com)<<mailto:JSteinberg@crowell.com>>>

Sent: Monday, April 10, 2023 4:03 PM

To: Barsanti, Vanessa

<[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)<<mailto:vanessa.barsanti@kirkland.com>>>; Poueymirou, Margaux <[MPoueymirou@crowell.com](mailto:MPoueymirou@crowell.com)<<mailto:MPoueymirou@crowell.com>>>

Cc: Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)<<mailto:JCanter@crowell.com>>>; Ginder, Cameron

<[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)<<mailto:cameron.ginder@kirkland.com>>>; Means, Miranda

<[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)<<mailto:miranda.means@kirkland.com>>>; #Thomson-Ross

<[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)<<mailto:thomson-ross@kirkland.com>>>;

[mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com)<<mailto:mflynn@morrisnichols.com>>; Liu, Shira

<[SLiu@crowell.com](mailto:SLiu@crowell.com)<<mailto:SLiu@crowell.com>>>; ROSS-AT Team <[ROSS-ATTeam@crowell.com](mailto:ROSS-ATTeam@crowell.com)<<mailto:ROSS-ATTeam@crowell.com>>>;

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<[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)<<mailto:bpalapura@potteranderson.com>>>; Brown, Andrew L.

<[abrown@potteranderson.com](mailto:abrown@potteranderson.com)<<mailto:abrown@potteranderson.com>>>

Subject: RE: West v ROSS | List of Custodians



Vanessa, We do not agree to limit the list of custodians, or the temporal limitations. Given the discovery schedule in this case, which was proposed by Plaintiffs, despite ROSS's repeated statements that a longer schedule would be more appropriate,

Vanessa,

We do not agree to limit the list of custodians, or the temporal limitations. Given the discovery schedule in this case, which was proposed by Plaintiffs, despite ROSS's repeated statements that a longer schedule would be more appropriate, we need to have our final meet and confer on this issue as scheduled tomorrow on April 11, 2023.

A search for

"[legalmarketingleadership@thomson.com](mailto:legalmarketingleadership@thomson.com)<<mailto:legalmarketingleadership@thomson.com>>" in Christine Post's documents is acceptable to us, provided you can confirm that any emails she might have deleted would also be captured by that search.

Kind regards,  
Joachim

Joachim B. Steinberg

Pronouns: he/him/his

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[jsteinberg@crowell.com](mailto:jsteinberg@crowell.com)<<mailto:JSteinberg@crowell.com>>

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From: Barsanti, Vanessa

<[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)<<mailto:vanessa.barsanti@kirkland.com>>>

Sent: Monday, April 10, 2023 1:29 PM

To: Poueymirou, Margaux <[MPoueymirou@crowell.com](mailto:MPoueymirou@crowell.com)<<mailto:MPoueymirou@crowell.com>>>

Cc: Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)<<mailto:JCanter@crowell.com>>>; Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)<<mailto:cameron.ginder@kirkland.com>>>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)<<mailto:miranda.means@kirkland.com>>>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)<<mailto:thomson-ross@kirkland.com>>>; mflynn@morrisnichols.com<<mailto:mflynn@morrisnichols.com>>; Steinberg, Joachim <[JSteinberg@crowell.com](mailto:JSteinberg@crowell.com)<<mailto:JSteinberg@crowell.com>>>; Liu, Shira <[SLiu@crowell.com](mailto:SLiu@crowell.com)<<mailto:SLiu@crowell.com>>>; ROSS-AT Team <[ROSS-ATTeam@crowell.com](mailto:ROSS-ATTeam@crowell.com)<<mailto:ROSS-ATTeam@crowell.com>>>; \*dmoore@Potteranderson.com1<[mailto:\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1)><[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)<<mailto:dmoore@Potteranderson.com>>>; \*bpalapura@potteranderson.com<[mailto:\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com)><[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)<<mailto:bpalapura@potteranderson.com>>>; Brown, Andrew L. <[abrown@potteranderson.com](mailto:abrown@potteranderson.com)<<mailto:abrown@potteranderson.com>>>>>  
Subject: Re: West v ROSS | List of Custodians

External Email  
Joachim, Margaux, and team,

While Thomson Reuters does not believe that ROSS's request for additional custodians is timely, proportional, or calls for uniquely relevant information, in the spirit of compromise, it is willing to collect and produce relevant non-privileged material for the below requested custodians. Per our prior conversation regarding utilizing targeted search terms, we are working to identify terms within the parties' agreed to set that we believe are most appropriately tailored to each custodian. I'll follow up with a proposal on that, but if there are particular terms ROSS would like to have searched then please let us know as soon as possible. Additionally, where indicated, we have proposed limiting the time period searched to correspond with the period in which the individual held a role related to the information ROSS indicated it seeks.

- 1) Kati Katzenmeyer
- 2) Audrey Zhang (August 2016 to December 2022)
- 3) Lauren Sazenski
- 4) Mark Hoerr (May 2016 to December 2022)
- 5) Ben Davis (January 2012 to December 2022)
- 6) Joe Dvorkin

In addition, as we discussed, Christine Post (a previously agreed to custodian) has been a recipient of the Legal Marketing Leadership listserv since its inception. As such, TR can agree to utilize the listserv email address ([legalmarketingleadership@thomson.com](mailto:legalmarketingleadership@thomson.com)<<mailto:legalmarketingleadership@thomson.com>>) as a search term across documents already collected.

While we are happy to meet and confer tomorrow if ROSS does not agree to this compromise, I do not think a final meet and confer is actually warranted at this point, especially as I expect that ROSS will have thoughts about search terms for these folks that we have not yet heard.

Vanessa Barsanti

She/Her/Hers

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[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)<<mailto:garvin.choa@kirkland.com>>

On Apr 5, 2023, at 8:19 PM, Poueymirou, Margaux  
<[MPoueymirou@crowell.com](mailto:MPoueymirou@crowell.com)<<mailto:MPoueymirou@crowell.com>>> wrote:

Hi Vanessa, It was nice speaking today. We are happy to elevate the following five custodians for more immediate rolling productions: 1. Mark Hoerr 2. Eric Gleason 3. Joe Dvorkin 4. David Curle 5. Kati Katzenmeyer However, we are still seeking

Hi Vanessa,

It was nice speaking today.

We are happy to elevate the following five custodians for more immediate rolling productions:

1. Mark Hoerr
2. Eric Gleason
3. Joe Dvorkin
4. David Curle
5. Kati Katzenmeyer

However, we are still seeking productions from all custodians discussed on today's call. In the interest of continued negotiation, and as discussed, we can provide narrower search terms that correlate with some of the additional custodians to streamline the collection of their documents were that to influence your thinking.

Thanks very much,

Margaux Poueymirou

\*

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From: Barsanti, Vanessa  
<[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)<<mailto:vanessa.barsanti@kirkland.com>>>  
Sent: Wednesday, April 5, 2023 12:33 PM  
To: Poueymirou, Margaux <[MPoueymirou@crowell.com](mailto:MPoueymirou@crowell.com)<<mailto:MPoueymirou@crowell.com>>>;  
Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)<<mailto:JCanter@crowell.com>>>; Ginder, Cameron  
<[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)<<mailto:cameron.ginder@kirkland.com>>>; Means, Miranda  
<[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)<<mailto:miranda.means@kirkland.com>>>; #Thomson-Ross  
<[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)<<mailto:thomson-ross@kirkland.com>>>;  
[mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com)<<mailto:mflynn@morrisnichols.com>>; Steinberg, Joachim  
<[JSteinberg@crowell.com](mailto:JSteinberg@crowell.com)<<mailto:JSteinberg@crowell.com>>>; Liu, Shira  
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Cc: ROSS-AT Team <[ROSS-ATTeam@crowell.com](mailto:ROSS-ATTeam@crowell.com)<<mailto:ROSS-ATTeam@crowell.com>>>;  
\*[dmoore@Potteranderson.com1](mailto:dmoore@Potteranderson.com1)<<mailto:dmoore@Potteranderson.com1>>  
<[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)<<mailto:dmoore@Potteranderson.com>>>;  
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<[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)<<mailto:bpalapura@potteranderson.com>>>; Brown, Andrew L.  
<[abrown@potteranderson.com](mailto:abrown@potteranderson.com)<<mailto:abrown@potteranderson.com>>>  
Subject: RE: West v ROSS | List of Custodians

External Email  
Joachim, Shira, and Margaux,

Thank you for the discussion today. Per our conversation, if you could please confirm your top five custodian requests this afternoon I would appreciate that in our consideration of your proposal.

Vanessa Barsanti  
She/Her/Hers

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From: Poueymirou, Margaux  
<[MPoueymirou@crowell.com](mailto:MPoueymirou@crowell.com)<<mailto:MPoueymirou@crowell.com>>>  
Sent: Monday, April 3, 2023 11:54 AM

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<[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)<mailto:miranda.means@kirkland.com>>; #Thomson-Ross  
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Cc: ROSS-AT Team <[ROSS-ATTeam@crowell.com](mailto:ROSS-ATTeam@crowell.com)<mailto:ROSS-ATTeam@crowell.com>>;  
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<[abrown@potteranderson.com](mailto:abrown@potteranderson.com)<mailto:abrown@potteranderson.com>>

Subject: RE: West v ROSS | List of Custodians

Thanks Vanessa, We are free between 11-1 pm PT. Please circulate an invite. We look forward to speaking, Margaux Poueymirou \* Pronouns: she/her/hers Crowell & Moring LLP  
[mpoueymirou@crowell.com](mailto:mpoueymirou@crowell.com) +1.415.365.7243 direct | +917-685-9775

Thanks Vanessa,

We are free between 11-1 pm PT. Please circulate an invite.

We look forward to speaking,

Margaux Poueymirou

\*

Pronouns: she/her/hers

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From: Barsanti, Vanessa  
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Sent: Monday, April 3, 2023 11:33 AM  
To: Poueymirou, Margaux <[MPoueymirou@crowell.com](mailto:MPoueymirou@crowell.com)<mailto:MPoueymirou@crowell.com>>;  
Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)<mailto:JCanter@crowell.com>>; Ginder, Cameron  
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<[abrown@potteranderson.com](mailto:abrown@potteranderson.com)<mailto:abrown@potteranderson.com>>  
Subject: RE: West v ROSS | List of Custodians

External Email  
Margaux,

While we disagree with the points in your note, it is not productive at this point to continue going back and forth via email. We are not available to meet today or tomorrow, but are happy to discuss on Wednesday. We can be available at 9:30 or between 11 and 1 PT. What time works for you all?

Vanessa Barsanti  
She/Her/Hers

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From: Poueymirou, Margaux  
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Sent: Friday, March 31, 2023 11:41 PM  
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<[\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com)<[mailto:\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com)>  
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<[abrown@potteranderson.com](mailto:abrown@potteranderson.com)<<mailto:abrown@potteranderson.com>>>  
Subject: RE: West v ROSS | List of Custodians

Vanessa: Ross is entitled to additional custodians at this time—and our request should come as no surprise. All eight custodians you identified and produced hold, or held, senior, high-level positions at Westlaw. We have persistently indicated

Vanessa:

Ross is entitled to additional custodians at this time—and our request should come as no surprise. All eight custodians you identified and produced hold, or held, senior, high-level positions at Westlaw. We have persistently indicated that we would likely need more junior level custodians but were willing to make this determination once we reviewed discovery. You made your first production approximately 7 weeks ago, after a several month delay. Unsurprisingly, our review of your productions has revealed the inadequacy of your eight custodians—and our valid need for more junior level custodians, as well as for custodians who worked in different departments. It is an unremarkable fact of litigation that new custodians are borne from document review.

The additional custodians we have identified held varying roles at Westlaw and worked across departments. Our review of documents on which they appear by happenstance strongly suggests that these employees' emails, internal blog posts, and PowerPoint creations—among other communications—are highly probative of the central issues in this case.

Finally, in light of the Court's rejection of your arguments regarding the relevant temporal scope of discovery, you have an affirmative duty to identify promptly additional relevant custodians who worked at Westlaw consistent with the temporal scope ordered by the Court.

Given the approaching discovery cut off, we would like to schedule a meet and confer on Monday or Tuesday to discuss the foregoing. Please let us know of your availability.

Thanks very much,

Margaux Poueymirou

\*

Pronouns: she/her/hers

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From: Barsanti, Vanessa

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Sent: Friday, March 31, 2023 8:32 AM

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Subject: RE: West v ROSS | List of Custodians

External Email

Jacob,

I write in response to your March 29 email below.

First, in complying with the Court's March 29 order, Thomson Reuters will use the same custodians the parties previously agreed to. As an initial matter, Thomson Reuters disclosed its custodian list on January 24, 2023. The next day, at ROSS's request, we provided information about those custodians' tenure and job titles. The parties then exchanged several rounds of correspondence and discussed this issue on multiple meet and confers. As a result, Thomson Reuters agreed to search for and export information from its sales platform, Conga, which I've confirmed is in progress. After the parties reached that agreement, ROSS raised no further issues with Thomson Reuters' proposed custodians in any further discovery letter or in any meet and confer. Thomson Reuters collected, reviewed, and produced documents based on the parties' agreed custodians and search terms. Further, nothing in the Court's ruling makes "the current custodian list untenable." The only issue before the Court was the temporal scope of Thomson Reuters' production. And, as is clear from the employment history that we provided



over two months ago, Thomson Reuters' custodians have significant employment histories at Thomson Reuters and West Publishing, dating back to the early 1990s. None of the newly requested custodians have such lengthy employment histories.

Second, your contention that Thomson Reuters' custodian list "did not capture all relevant individuals with discoverable information" is besides the point. Nothing requires Thomson Reuters to collect, review, and produce documents from every employee with potentially relevant information. And, as you note, the names on your list "appear on a large number of relevant documents." If anything, this proves that Thomson Reuters' custodian list is, in fact, targeted to capturing relevant information. ROSS has not shown that any of these individuals would be likely to have unique relevant information to its claims.

Third, the parties reached final impasse on the temporal scope of Thomson Reuters' production on February 17. ROSS then waited a month to file its motion to compel. While we are working to meet the current May 11 discovery deadline, Thomson Reuters is not in a position, at this time, to "provide a date certain" for when it will make its supplemental production consistent with the Court's March 29 order. As you know, and as we explained both in meet and confers and in our briefing on ROSS's motion to compel, it takes time to collect, review, and produce documents. Thomson Reuters is acting diligently and expeditiously to meet the current discovery deadline. Indeed, we started the collection process for the prior agreed to custodians immediately after the hearing. However, we only have so much control over how long it will take to collect these documents and cannot make the process go any quicker than technology and Thomson Reuters' systems allow. We will work as quickly as possible and keep ROSS apprised of our progress, and will implement rolling productions.

Vanessa Barsanti  
She/Her/Hers

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From: Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)<<mailto:JCanter@crowell.com>>>  
Sent: Wednesday, March 29, 2023 4:58 PM  
To: Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)<<mailto:cameron.ginder@kirkland.com>>>;  
Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)<<mailto:miranda.means@kirkland.com>>>;  
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Cc: ROSS-AT Team <[ROSS-ATTeam@crowell.com](mailto:ROSS-ATTeam@crowell.com)<<mailto:ROSS-ATTeam@crowell.com>>>;  
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<[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)<<mailto:dmoore@Potteranderson.com>>>;  
[\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com)<[mailto:\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com)>  
<[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)<<mailto:bpalapura@potteranderson.com>>>; Brown, Andrew L.  
<[abrown@potteranderson.com](mailto:abrown@potteranderson.com)<<mailto:abrown@potteranderson.com>>>  
Subject: RE: West v ROSS | List of Custodians

Cameron, I inadvertently left Heather Miller-Sammons off of my list of below names. My apologies. Please add her name to the below list of custodians. Thank you, Jacob Canter  
Pronouns: he/him/his Crowell & Moring LLP [jcanter@crowell.com](mailto:jcanter@crowell.com)

Cameron,

I inadvertently left Heather Miller-Sammons off of my list of below names. My apologies. Please add her name to the below list of custodians. Thank you,

Jacob Canter

Pronouns: he/him/his

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From: Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)<<mailto:JCanter@crowell.com>>>  
Sent: Wednesday, March 29, 2023 11:14 AM  
To: Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)<<mailto:cameron.ginder@kirkland.com>>>; Means, Miranda <[miranda.means@kirkland.com](mailto:miranda.means@kirkland.com)<<mailto:miranda.means@kirkland.com>>>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)<<mailto:thomson-ross@kirkland.com>>>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com)<<mailto:mflynn@morrisnichols.com>>  
Cc: ROSS-AT Team <[ROSS-ATTeam@crowell.com](mailto:ROSS-ATTeam@crowell.com)<<mailto:ROSS-ATTeam@crowell.com>>>; Moore, David E. <[dmoore@potteranderson.com](mailto:dmoore@potteranderson.com)<<mailto:dmoore@potteranderson.com>>>; Palapura, Bindu A. <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)<<mailto:bpalapura@potteranderson.com>>>; Brown, Andrew L. <[abrown@potteranderson.com](mailto:abrown@potteranderson.com)<<mailto:abrown@potteranderson.com>>>  
Subject: West v ROSS | List of Custodians

Dear Cameron:

We write regarding the production of additional discovery in light of the Tuesday, March 28 ruling by the Court.

First, please let us know the list of custodians you will query as a result of Tuesday's discovery order. The ruling has made the current custodian list untenable. Please also confirm you will

expand your current custodian list with these individuals for the documents and searches you have already produced in line with the above.

Second, even prior to Tuesday's discovery order, Plaintiffs' list of custodians was inadequate as it did not capture all relevant individuals with discoverable information. The following custodians were not queried although their names appear on a large number of relevant documents, indicating that those custodians must possess relevant information—or their names appear on important relevant documents, indicating that they must possess important relevant documents. Please produce documents with these individuals under current searches and for all new relevant time periods as outlined above.

1. David Curle
2. Kati Katzenmeyer
3. Bob Biancamano
4. Andrea Seitz
5. Audrey Zhang
6. Lauren Sazenski
7. Mark Hoerr
8. Vinod Kumar
9. Rachel Vesely
10. Aimee Doles
11. Jenny Deutsch
12. Ben Davis
13. Eric Gleason
14. Maria Redmond
15. Joe Dvorkin
16. David Curle
- 17.

[legalmarketingleadership@thomson.com](mailto:legalmarketingleadership@thomson.com)<mailto:legalmarketingleadership@thomson.com>

Third, please let us know when Plaintiffs will be producing documents consistent with the Court's Tuesday order and the additional custodians referenced above. Please provide a date certain on when the documents will be produced. If you do not provide us a date certain within the week, we will need to go to the Court to request a date certain due to the impending discovery deadline.

Regards,  
Jacob Canter

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LinkedIn<[https://urldefense.com/v3/\\_https://www.linkedin.com/in/jacob-canter-6a53b0120/\\_;!!MPAZj1r9Mghpww!BJZRB0MhTDpamwbnp0KoZKG2T84hRNHHdqsQ6aolohxonEtgzJw\\_k-sqZynNCAqb6meD7ysZ8o-y7IMJpcFlig\\$>](https://urldefense.com/v3/_https://www.linkedin.com/in/jacob-canter-6a53b0120/_;!!MPAZj1r9Mghpww!BJZRB0MhTDpamwbnp0KoZKG2T84hRNHHdqsQ6aolohxonEtgzJw_k-sqZynNCAqb6meD7ysZ8o-y7IMJpcFlig$>)  
[Crowell](#)& Moring LLP

3 Embarcadero Center

26th Floor

San Francisco

,

CA

94111

Crowell

Collaboration Powers Success

crowell.com<[https://urldefense.com/v3/\\_http://www.crowell.com/\\_;!!MPAZj1r9Mghpww!BJZRB0MhTDpamwbnp0KoZKG2T84hRNHHdqsQ6aolohxonEtgzJw\\_k-sqZynNCAqb6meD7ysZ8o-y7IMyhe0abw\\$>](https://urldefense.com/v3/_http://www.crowell.com/_;!!MPAZj1r9Mghpww!BJZRB0MhTDpamwbnp0KoZKG2T84hRNHHdqsQ6aolohxonEtgzJw_k-sqZynNCAqb6meD7ysZ8o-y7IMyhe0abw$>)

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# **EXHIBIT F**

**From:** [Barsanti, Vanessa](#)  
**To:** [Canter, Jacob](#)  
**Cc:** [Bishop, Erin](#); [Hughes, Dalton](#); [Liu, Shira](#); [ROSS-AT Team](#); [\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com); [\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1); [abrown@potteranderson.com](mailto:abrown@potteranderson.com); [Ginder, Cameron](#); [#Thomson-Ross](#); [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com)  
**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Letter re Counterclaim RFP Custodian Productions  
**Date:** Tuesday, April 18, 2023 8:45:00 AM

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With respect to RFP 219, merely repeating the same unsupported allegations without explaining *how* it is TR's search methodology is allegedly faulty is not adequate. A methodology that ROSS had every chance to weigh in on, and did so vehemently. And of course the time period extends beyond the date of the documents produced – as I have been abundantly clear about, pre-2015 documents for prior agreed to search parameters will be produced by next week, if not this week.

I have given you a date certain for pre-2015 documents that hit on the previously agreed to search parameters. It is next week. If you feel the need to take to the Court that we are not yet able to say more than best efforts of May 11 for the thirteen new custodians the parties agreed to a mere three business days ago then so be it.

While I still do not believe ROSS has adequately identified any alleged deficiency, if you would like to meet and confer I am available at 10, 2, or 3 PT. I have no availability in the time frames you've requested.

**Vanessa Barsanti**

She/Her/Hers

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**F** +1 312 862 2200

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[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)

---

**From:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>

**Sent:** Monday, April 17, 2023 10:42 PM

**To:** Barsanti, Vanessa <[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)>

**Cc:** Bishop, Erin <[erin.bishop@kirkland.com](mailto:erin.bishop@kirkland.com)>; Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>; Liu, Shira <[SLiu@crowell.com](mailto:SLiu@crowell.com)>; ROSS-AT Team <[ROSS-ATTeam@crowell.com](mailto:ROSS-ATTeam@crowell.com)>; [\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com)>; [\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1) <[\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1)>; [abrown@potteranderson.com](mailto:abrown@potteranderson.com); Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>; [#Thomson-Ross](#) <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com)

**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Letter re Counterclaim RFP Custodian Productions

---

**This message is from an EXTERNAL SENDER**

Be cautious, particularly with links and attachments.

Vanessa,

In regards to RFP 219, on April 13 Dalton emailed Cameron and your team documents that we know fall within the scope of RFP 219. However, it does not appear that Plaintiffs have fully complied as RFP 219 does not merely seek formal agreements. By its terms it seeks documents relating to Plaintiffs' obtaining and acquiring the public law database and its contents. Moreover, the time period extends beyond the date of the documents produced.

In regards to a date certain for the production of all documents, we object that Plaintiff cannot guarantee a date by which documents will be produced. We request a final conferral so that we can raise this with the court.

Accordingly, please let us know if you re available for a final conferral tomorrow between 8-8:45 PT / 10-10:45 CT or between 12:30-1 PT / 2:30-3 CT

We request that you provide us with your position on scheduling by no later than tomorrow so that we have time to raise these issues with the court.

### Jacob Canter

Pronouns: he/him/his

Crowell & Moring LLP

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---

**From:** Barsanti, Vanessa <[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)>

**Sent:** Monday, April 17, 2023 9:27 PM

**To:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>

**Cc:** Bishop, Erin <[erin.bishop@kirkland.com](mailto:erin.bishop@kirkland.com)>; Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>; Liu, Shira <[SLiu@crowell.com](mailto:SLiu@crowell.com)>; ROSS-AT Team <[ROSS-ATTeam@crowell.com](mailto:ROSS-ATTeam@crowell.com)>;

[\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>;

[\\*dmoore@Potteranderson.com1](mailto:*dmoore@Potteranderson.com1) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>; [abrown@potteranderson.com](mailto:abrown@potteranderson.com);

Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com)

**Subject:** Re: Thomson Reuters et al v ROSS Intelligence Inc | Letter re Counterclaim RFP Custodian Productions

External Email

Jacob,

What is the alleged deficiency in TR's process for searching for documents responsive to RFP 219? Without an actual response to that there's nothing to meet and confer about.

I have already repeatedly told multiple folks on your team that documents falling within the previously agreed to

search parameters but predating 2015 will be produced by the week of April 24th at the latest, but with best efforts to make it this week. And that best efforts will be used to produce documents hitting on the more recently agreed to search parameters by May 11th. I have asked several times what ROSS's issue is with that and have received no response other than to be asked over and over again when the date of production will be. Without an actual response to that there's nothing to meet and confer about.

As to schedule, we've had the proposal for less than 2 business days. We are not yet ready to meet and confer but will endeavor to get you our position tomorrow.

### Vanessa Barsanti

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On Apr 17, 2023, at 9:15 PM, Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)> wrote:

Erin,

Please let us know if you are available for a final conferral on RFP 219, the date certain for production of documents, and the proposed scheduling tomorrow between 8-8:45 PT / 10-10:45 CT or between 12:30-1 PT / 2:30-3 CT. Kind regards,

### Jacob Canter

Pronouns: he/him/his  
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[jcanter@crowell.com](mailto:jcanter@crowell.com)  
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**From:** Bishop, Erin <[erin.bishop@kirkland.com](mailto:erin.bishop@kirkland.com)>  
**Sent:** Monday, April 17, 2023 6:58 PM  
**To:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>; Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>  
**Cc:** Liu, Shira <[SLiu@crowell.com](mailto:SLiu@crowell.com)>; ROSS-AT Team <[ROSS-ATTeam@crowell.com](mailto:ROSS-ATTeam@crowell.com)>;  
 \*bpalapura@potteranderson.com <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>;  
 \*dmoore@Potteranderson.com1 <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>;  
 abrown@potteranderson.com; Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>;  
 Barsanti, Vanessa <[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; mflynn@morrisnichols.com  
**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Letter re Counterclaim RFP Custodian Productions

External Email



Jacob,

We have repeatedly explained the process through which Thomson Reuters is conducting a reasonable search to locate documents responsive to RFP 219. As you are well aware, Thomson Reuters used agreed-to search parameters that ROSS was extremely active and engaged in developing. Thomson Reuters then produced all documents responsive to RFP 219 consistent with those search parameters. The standard in discovery is reasonableness, and ROSS has failed to explain with any specificity why this approach is unreasonable. We are happy to meet and confer, but so that we can have a substantive and productive conversation, please explain why Thomson Reuters' search is unreasonable, despite ROSS's involvement in developing that search process and acquiescing in it for months.

As to the timing of Thomson Reuters' production, I refer you to Vanessa's April 13 and April 14 emails.

**Erin Bishop**

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---

**From:** Canter, Jacob <[JCanter@crowell.com](mailto:JCanter@crowell.com)>

**Sent:** Monday, April 17, 2023 5:29 PM

**To:** Bishop, Erin <[erin.bishop@kirkland.com](mailto:erin.bishop@kirkland.com)>; Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>

**Cc:** Liu, Shira <[SLiu@crowell.com](mailto:SLiu@crowell.com)>; ROSS-AT Team <[ROSS-ATTeam@crowell.com](mailto:ROSS-ATTeam@crowell.com)>; [\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com)>; [\\*dmoore@Potteranderson.com](mailto:*dmoore@Potteranderson.com) <[dmoore@Potteranderson.com](mailto:*dmoore@Potteranderson.com)>; [abrown@potteranderson.com](mailto:abrown@potteranderson.com); Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>; Barsanti, Vanessa <[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com)

**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Letter re Counterclaim RFP Custodian Productions

Hello Erin,

I understand that Shira has responded to you regarding RFPs 182-185. We also requested in the April 14 email a final conferral this Tuesday regarding deficiencies in RFP 219, the date certain for production of documents, and the proposed scheduling. Please let us know what time tomorrow work for you.

**Jacob Canter**

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---

**From:** Bishop, Erin <[erin.bishop@kirkland.com](mailto:erin.bishop@kirkland.com)>

**Sent:** Friday, April 14, 2023 3:26 PM

**To:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>

**Cc:** Liu, Shira <[SLiu@crowell.com](mailto:SLiu@crowell.com)>; ROSS-AT Team <[ROSS-ATTeam@crowell.com](mailto:ROSS-ATTeam@crowell.com)>;

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[abrown@potteranderson.com](mailto:abrown@potteranderson.com); Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>;

Barsanti, Vanessa <[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)>; #Thomson-Ross <[thomson-](mailto:thomson-ross@kirkland.com)

[ross@kirkland.com](mailto:ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com)

**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Letter re Counterclaim RFP  
Custodian Productions

External Email

Dalton,

We were, to put it mildly, astounded to read your note. You state that “RFP Nos. 182-185 are not asking for documents sufficient to show, but for all responsive documents related to the requests.” Please review the language of ROSS’s RFPs 182-185, which uniformly start with a request for “DOCUMENTS sufficient to show.” Likewise, you state that Thomson Reuters’ “response to RFP Nos. 182-185 indicated that you would produce responsive documents and not documents ‘sufficient to show.’” Please also review Thomson Reuters’ responses to RFPs 182-185, which uniformly confirm that Thomson Reuters would “produce documents sufficient to show” in response to each one of these requests. Additionally, you state that “our meet and confers have not indicated any such limitations.” If you review ROSS’s discovery letters, not a single one raises any issues with Thomson Reuters’ offer to produce documents sufficient to show in response to RFPs 182-185 because that is exactly what ROSS requested. 11/7/2022 J. Steinberg Ltr.; 12/29/2022 S. Liu Ltr.; 2/12/2023 S. Liu Ltr. Indeed, during our meet and confer process about Thomson Reuters’ offer to produce documents sufficient to show in response to other letters, Ms. Liu indicated she understood the offer in response to requests, for example, about profits and losses. Thomson Reuters will – as ROSS requested and Thomson Reuters agreed – supplement its production to provide *additional* documents sufficient to show the requested information in RFPs 182-185, as that information is kept and available in the ordinary course of business.

We will be responding to ROSS’s letter about RFP 219, which we received yesterday, shortly.

As for your request for a final meet and confer regarding “the date certain” for production of documents, my colleague, Vanessa Barsanti has already provided that information to ROSS. What is the issue that requires meeting and conferring? As to the proposed scheduling, ROSS just sent its proposed schedule extension today. The parties have not conferred once on either of these issues, much less to the point of impasse. No final meet and confer is appropriate at this time.

<image001.png>

## Erin Bishop

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**From:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>

**Sent:** Friday, April 14, 2023 4:26 PM

**To:** Bishop, Erin <[erin.bishop@kirkland.com](mailto:erin.bishop@kirkland.com)>

**Cc:** Liu, Shira <[SLiu@crowell.com](mailto:SLiu@crowell.com)>; ROSS-AT Team <[ROSS-ATTeam@crowell.com](mailto:ROSS-ATTeam@crowell.com)>;

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[abrown@potteranderson.com](mailto:abrown@potteranderson.com); Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>;

Barsanti, Vanessa <[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)>; #Thomson-Ross <[thomson-](mailto:thomson-ross@kirkland.com)

[ross@kirkland.com](mailto:ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com)

**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Letter re Counterclaim RFP Custodian Productions

Erin,

Thank you for your response. Though we appreciate your clients’ agreement to supplement the missing production, your offer of “sufficient” documents is improper. Your response to RFP Nos. 182-185 indicated that you would produce responsive documents and not documents “sufficient to show.” RFP Nos. 182-185 are not asking for documents sufficient to show, but for all responsive documents related to the requests. Lastly, our meet and confers have not indicated any such limitations. Had we known that you would be attempting to offer only documents “sufficient to show” for these requests, we would have used this information in our Motion to Compel hearing on March 28, 2023. We request a final meet and confer on this topic next Tuesday, April 18. Please let us know your team’s availability on this day.

Additionally, we have not yet received a response on our email regarding deficiencies in Plaintiffs’ RFP No. 219 production (see Email Hughes to Ginder re RFP No. 219 Documents (Apr. 13, 2023)). We request a final meet and confer on Tuesday, April 18 in

conjunction with the above.

Finally, we ask for a final meet and confer on April 18 regarding the date certain for production of documents and the proposed scheduling.

Kind Regards,  
Dalton

### Dalton Kyle Hughes

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---

**From:** Bishop, Erin <[erin.bishop@kirkland.com](mailto:erin.bishop@kirkland.com)>  
**Sent:** Friday, April 14, 2023 11:48 AM  
**To:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>  
**Cc:** Liu, Shira <[SLiu@crowell.com](mailto:SLiu@crowell.com)>; ROSS-AT Team <[ROSS-ATTeam@crowell.com](mailto:ROSS-ATTeam@crowell.com)>;  
[\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>;  
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[abrown@potteranderson.com](mailto:abrown@potteranderson.com); Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>;  
Barsanti, Vanessa <[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com)  
**Subject:** RE: Thomson Reuters et al v ROSS Intelligence Inc | Letter re Counterclaim RFP Custodian Productions

External Email

Dalton,

I write in response to ROSS's letter requesting additional documents for RFPs 182-185. We have conferred with our client and will be supplementing Thomson Reuters' production with responsive documents sufficient to show information sought by each of these RFPs. As made clear since the outset of this litigation, Thomson Reuters will produce these documents as they are kept and maintained in the ordinary course of business.

Thanks,  
Erin

Erin Bishop

\*\*\* THIS EMAIL AND ANY FILES TRANSMITTED HEREWITH ARE UNCLASSIFIED \*\*\*  
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---

**From:** Hughes, Dalton <[DHughes@crowell.com](mailto:DHughes@crowell.com)>

**Sent:** Monday, April 10, 2023 2:13 PM

**To:** Ginder, Cameron <[cameron.ginder@kirkland.com](mailto:cameron.ginder@kirkland.com)>; Barsanti, Vanessa <[vanessa.barsanti@kirkland.com](mailto:vanessa.barsanti@kirkland.com)>; #Thomson-Ross <[thomson-ross@kirkland.com](mailto:thomson-ross@kirkland.com)>; [mflynn@morrisnichols.com](mailto:mflynn@morrisnichols.com)

**Cc:** Liu, Shira <[SLiu@crowell.com](mailto:SLiu@crowell.com)>; ROSS-AT Team <[ROSS-ATTeam@crowell.com](mailto:ROSS-ATTeam@crowell.com)>; [\\*bpalapura@potteranderson.com](mailto:*bpalapura@potteranderson.com) <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>; [\\*dmoore@Potteranderson.com](mailto:*dmoore@Potteranderson.com) <[dmoore@Potteranderson.com](mailto:dmoore@Potteranderson.com)>; Brown, Andrew L. <[abrown@potteranderson.com](mailto:abrown@potteranderson.com)>

**Subject:** Thomson Reuters et al v ROSS Intelligence Inc | Letter re Counterclaim RFP  
Custodian Productions

Cameron,

Please see the attached letter.

Thank you,  
Dalton

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